

A Forgotten Cause:
Gaspée, Somerset and the Beginnings of Provincial Resistance in Virginia

Research Thesis

Presented in partial fulfillment of the requirements for graduation *with research distinction* in History in the undergraduate colleges of The Ohio State University

By

Zachary F. Bell

The Ohio State University

April 2014

Project Advisor: Professor John Brooke, Department of History

Table of Contents

Chapter	Page
Introduction: Forgotten Cause.....	2
One: The World of the Committees.....	6
Two: Mansfieldian Consolidation.....	13
Three: Somerset's Colonial Reception.....	28
Four: The Lee-Adams-Lee Triumvirate.....	39
Conclusion: Revolutionary Ripples.....	56

Introduction: Forgotten Cause

On March 12, 1773 a resolve passed by the Virginia House of Burgesses boldly called for the establishment of provincial committees for the purpose of inter-colonial correspondence and inquiry in the American colonies. Perturbed by “Proceedings tending to deprive them of their ancient, legal and constitutional rights,” these men chose to take the actions necessary to establish a communication between Virginia and the other American colonies. The chief concern of these provincial committees, in particular the one established in Virginia, was to monitor these abuses by Parliament, and to “remove the uneasiness and quiet the minds of the people.”¹ Though surrounded by tame language regarding inquiry, this resolution was actually quite radical and stands as the first step towards an inter-colonial resistance to Great Britain.²

This action by the Virginia House of Burgesses has long been interpreted as a response to one event in particular, the Gaspée Affair in Rhode Island, during which the Sons of Liberty from Newport burned a British ship, and were threatened trial for treason in England for the offenders.³ This causal interpretation might stand on its own, but closer examination of the world of the Virginia gentry reveals that Gaspée alone could not have prompted such radical action. Rather, the British response to the Gaspée riot,

¹ John Kennedy, *Journals of the House of Burgesses of Virginia 1773-1776* (Richmond, VA, 1905), 41.

² Cited by scholars as the moment of the “crystallization” or “consolidation” of the union of colonies in a broad range of early works notably George Bancroft, *History of the United States Volume III* (Boston: Little, Brown, 1856), Chapter entitled “Virginia Consolidates Union,” and E.I. Miller, “The Virginia Committee of Correspondence of 1773-1775.” *The William and Mary Quarterly*, Vol. 22, No. 2 (Oct., 1913), 99-113, this sentiment has seemingly lost its momentum in more recent years and the import of Virginia’s resolution disappears from major narratives of the Revolutionary Era.

³ Also, seemingly lost in this interpretation is the importance of the Dockyard Act, passed April 16, 1772 which made arson of royal naval possessions a treasonous act punishable by death, and open to trial in England. Within current scholarship only Richard Brown, *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns 1772-1774* (Cambridge, MA: Harvard University Press, 1970) 76, 114 mentions the Dockyard Act’s significance.

threatening an intrusion upon their parliamentary rights as Englishmen, coupled with the troubling implications of the Lord Mansfield's ruling in the British case of *Somerset vs. Stewart*, rendered June 22nd 1772, emerge as a dual threat. In his decision on the fate of James Somerset, an American slave in London, Lord Mansfield ruled that no positive law for slavery existed in England. In doing so, he thrust a threat to the future of slavery into an ongoing political dialogue concerning Virginia's economic disadvantage within the strained British mercantile system which had begun to break down. The synergies of all of these issues emerge as a much more likely casual explanation for the issuance of the Virginia Resolution of March, 1773.⁴

The political discourse between Virginia and Great Britain concerning western land speculation and the international slave trade has been well established. Within this established scholarship, the effects of Gaspée and Somerset's intrusion into this discourse have not even been considered. Yet it is through this intrusion that the true spark of

⁴ This interpretation appears in most general histories of the American Revolution, Notably Gordon S. Wood, *The American Revolution* (New York, NY: Random House, 2002), 36; Edmund S. Morgan, *The Birth of the Republic 1763-89* (Chicago, IL: University of Chicago Press, 1977) 56; Colin Bonwick, *The American Revolution* (Charlottesville: University Press of Virginia, 1991), 77; and Norman K. Risjord, *Jefferson's America* (Plymouth, U.K.: Rowman & Littlefield Publishers, 2010), 108,182. The founding document for Virginia's provincial committee states its first order of business to inquire into the Gaspée Affair, fueling modern interpretations that this was the cause for its foundation. In reality the committee called for the first inter-colonial communication entity on the basis of various "proceedings" and Gaspée was merely the most agitating "proceeding" in New England, where armed conflict loomed as a real possibility. Catalogs of specific agitations leading to Virginia's creation of the committees is lacking, the catalogs exist but they fail to mention Somerset, Gaspée or in fact the 1773 resolution itself.. Edmund Morgan, *American Slavery, American Freedom*, (New York, NY: Norton, 1975) deals with Virginian's their struggle for freedom and status as slaveholders, but fails to mention Gaspée, Somerset or the 1773 resolution. Woody Holton, *Forced Founders: Indians, Debtors, Slaves, and the Making of the American Revolution in Virginia* (Chapel Hill, NC: University of North Carolina Press, 1999) discusses prewar agitations in Virginia, without references to the Virginia's 1773 resolution, Somerset or the Gaspée Affair. Gerald Horne has presented a deep study into the implications of Somerset, and slavery on a broader scale in *The Counter Revolution of 1776: Slave Resistance and the Origins of the United States of America*, (New York, NY: New York University Press, 2014), however he does not cover the connections between Mansfield, the Declaratory Act and Gaspee, nor does he mention Arthur Lee's role in the early 1770's instead ascribing his role as that of a "land speculator in Virginia" when in fact he was a lawyer living in London at the time.

revolution in Virginia and the beginnings of an inter-colonial resistance to Great Britain on a formal scale emerge. In fact Gaspée and Somerset are inexorably linked, their chronologies followed eerily similar developments, and machinations by several key political players in Massachusetts and Virginia were able to quell an early public focus on Somerset and turn the public's eye towards Gaspée. Through this manipulation of the press the issue of the Somerset decision became buried, allowing Virginians to freely oppose British authority under the name of Gaspée without invoking Somerset and the pro-slavery sentiments it was generating.

This complicated intermingling of two seemingly unrelated issues hinges on one man in particular, the judge Lord Mansfield. Mansfield was a rigid supporter of the Declaratory Act and staunchly opposed to the autonomy of colonial legislative bodies. Additionally he was actively involved in both Gaspée and Somerset. He was speaker of the House of Lords when the Dockyard Act, which precipitated the Gaspée affair, was passed, and rendered his decision from the King's Bench in the Somerset trial. Arthur Lee was a second critical figure in the creation of these Virginia resolves. Lee, a Virginian, lived in London from 1758 to 1780, practicing law, acting as the agent for Massachusetts between 1770 and 1780, and running with the highest of social circles. Lee's correspondence and public polemics illustrate not only the linkages between Gaspée and Somerset, but also the complex web of correspondence which brought the Virginia Resolution of March 1773 into being.

The Resolution was not the work of Virginians alone, but was ultimately the fruit borne out of the labors of Samuel Adams, Arthur Lee and his brother Richard Henry Lee in searching for a way to create an inter-colonial resistance. Their correspondence

directly shaped Richard Henry Lee's authorship of the 1773 resolution. Additionally, through his polemical propaganda, Arthur Lee was able to twist political opinion in the south towards the patriot cause and away from radical pro-slavery thought which originated in the West Indies. These actions by Lee have clouded the connection between Somerset and Gaspée in the minds of Virginians who sought to create a continental resistance to Great Britain.

Richard Henry Lee and Samuel Adams have received a great deal of attention in scholarship: their roles in the revolution are well known and the historical field has produced voluminous studies on them. Arthur Lee by comparison has received only a small amount of scholarship, and his role in fomenting revolution is hardly discussed: he is seen as a pioneer in American diplomacy, but the story of this correspondence points to his large role in the formation of inter-colonial resistance. It is perhaps due to his public disgrace in the face of the Silas Deane scandal and public censure by Benjamin Franklin that Arthur Lee's role has been under a cloud for centuries. This thesis serves as much as a vindication of his efforts, and specifically of his role in the crafting of Virginia's 1773 resolution, as it does to illustrate Mansfield's role in consolidation.

This thesis will proceed in four chapters examining the conditions which spawned the Virginia Resolution of 1773 with a particular focus on Lord Mansfield's role in Gaspée and Somerset, and will conclude with an illustration of the correspondence which exposes the complicated political maneuverings of Samuel Adams and the Lee brothers in responding to both the deteriorating nature of relations between their respective colonies and Great Britain and the fresh threats to colonial rights embodied in Gaspée in the north, and Somerset in the south.

Chapter One: The World of the Committees

To understand the factors that prompted the Burgesses to put forth their 1773 resolution, we must inquire into the world which spawned this atmosphere of mistrust. The “proceedings” which the committee speaks of must be investigated further, but just as important as these proceedings is the economic, political and cultural world of which these Virginia gentry were a part. The underlying conditions of their society will do much to illuminate what these men held dear, and in turn what exactly could be meant by their “ancient legal and constitutional rights.”

The Virginia gentry who authored this resolution were men of considerable means. Their personal plantation-empires were not easily threatened. Due to their place atop society in colonial Virginia they had a vested interest in maintaining the conditions which allowed them to exert near oligarchical control of local governance.¹ The Virginian gentry drew political power from their economic domination of the colony. The smooth operation of a plantation depended upon securing land and slaves, and efficiently utilizing these elements to produce enough tobacco to create profit and accrue wealth. Forces which threatened the gentry were usually of an economic nature.

Given the economic forces that critically determined their political power, the gentry were deeply interested in the way in which they shaped upon their particular situation. Chief among these economic factors was their position in the mercantile system

¹ Allan Kulikoff, *Tobacco and Slaves* (Chapel Hill, NC: University of North Carolina Press, 1986.): pages 263-280 (a section entitled The making of the Gentry Class) details the mechanisms that established and maintained the Virginia gentry as of 1773, particularly their dependence upon economic forces, and the need to maintain plantations of considerable size with a large number of slaves.

of the British Empire.² The difficulties encountered by the Virginia gentry due to the mercantile system of the British Empire contributed greatly to the anxiety ridden conditions that prompted the Virginia House of Burgesses to action.

The growing debt found within the gentry class by 1772 is important when considering Virginia's economic situation within the British mercantile structure. In the years leading up to 1772 there are many examples of Virginia gentlemen engaging in ruinous behavior out of grief over debt.³ It is clear that the British mercantile structure coupled with British policy, namely the Proclamation Line of 1763 intended to quell conflict between Indians and would be western settlers, limited the ability of Virginians to expand west directly causing ruinous debt among the gentry. Additionally the gentry's attempts to reconcile this situation via their own means were often thwarted by the British Privy Council in the name of "the good of the empire," which only caused more conflict between the gentry and the British.

The British mercantile structure established by the Navigation Acts created a precarious situation. Initially the structure caused an explosive growth in plantation agriculture, and in British interest in the incorporation of the colonies into its empire.⁴ These two conditions, while useful in the short run eventually led to the increased availability of "plantation products" (predominantly tobacco, rice, indigo and sugar) and a decrease in the authority of colonial governments. This increased availability in turn led to a steep drop in prices and expanded the amount of land and slaves necessary for the

² E.I. Miller, "The Virginia Committee of Correspondence, 1759-1770," The William and Mary Quarterly, Vol. 22, No. 1 (Jul., 1913), 1-19.

³ Holton, *Forced Founders*, 39-46.

⁴ Russell R. Menard "Plantation Empire: How Sugar and Tobacco Planters Built Their Industries and Raised an Empire" *Agricultural History* Vol.81, No. 3 (Summer, 2007) 309-332.

gentry to maintain their profit margin. Due to this rapid expansion, and the destructive nature of tobacco crops, gentry needed to expand westward. Westward expansion of the colony became particularly important for various reasons; speculation in westward lands allowed for another form of profit among the gentry thus precluding their necessary expansion, additionally westward expansion allowed the growing number of immigrants and the transitory portions of society an outlet wherein they could seek their own fortune.

The British stood to gain little from Virginia's westward expansion, as they merely had a vested interest only in extracting the wealth of their colonies from coastal ports. In fact the economic conundrum of the planter class mattered little to them.⁵ Their chief concern within the colonies following the Seven Years war was the containment of Native Americans to the west and avoiding conflict between settlers and natives.⁶ The British could not afford to get into extended wars with the native peoples and colonials could not afford to fail at westward expansion. Thus British policies aimed at preventing colonials from expanding to the west and sparking conflict with the natives seemed instead aimed at binding Virginians in their chains of debt.⁷

Woody Holton's *Forced Founders* is the most recent study of the pre-revolutionary situation in Virginia, emphasizing economic and political conditions which led to Virginia's choice to join the Revolutionary War. Holton depicts a colony filled with stress and anxiety which ultimately built up to force the Virginia gentry into the

⁵ Ibid.

⁶ Holton, *Forced Founders*, 28-29.

⁷ Thad W. Tate, "The Coming of the Revolution in Virginia: Britain's Challenge to Virginia's Ruling Class, 1763-1776," *The William and Mary Quarterly*, Vol. 19, No. 3 (Jul. 1962). 323-343; T.H. Breen, *Tobacco Culture* (Princeton, NJ: Princeton University Press; Revised edition, 2001) chapter entitled "Politicizing the Discourse: Tobacco, Debt and the Coming of Revolution," 160-203.

Revolutionary War. Central to Holton's narrative are Native Americans, slaves, British imperial policymakers, British merchants, and the swarms of immigrants and other transient persons which were pushing westward past the borders of Virginia's established land claims. The gentry play the role of land speculator and debtor to the merchants at the top of Holton's model of anxieties. Essentially Holton's argument is as follows: Native American's resistance to the masses moving west caused British officials to fail to support speculation in western lands for fear of igniting another war with natives on the frontier. This stance by British officials further inflamed the problem of debt burdening Virginia's slave-owning gentry given their current place in the imperial trade structure. Into this troubling situation Holton injects the roles Virginia farmers and slaves played in accentuating the severity of the gentry's financial and legal conundrums. Fears of a loss of power by Virginia's gentry, particularly due to the threat of slave revolts and the growing political power of the common farmer, won because of the waning economic power of the gentry due to their entangling debts, essentially "forced" the Virginia gentry into the fight for Independence.⁸

By 1772 the inability by the Virginia gentry to engage in land speculation coupled with the exponentially decreased value of their cash crops left them in a precarious situation. The Navigation Acts established an economic system which was advantageous to the crown and to British merchants; due to falling crop prices planters were mired in debt to British merchants and were left to deal with their financial problems through other devices. Westward land speculation was the logical solution to these financial issues. It was becoming apparent that for the current relationship between colony and mother

⁸ Holton, *Forced Founders*, 206-208.

country to be held in place, Virginians must be allowed to speculate in western lands. Yet speculation in western lands would not provide relief as British stood staunchly against this solution and actively disallowed speculation in western lands.⁹

A growing mountain of debt burdened the gentry with an increasingly uneasy political situation. Prohibited from the ability to utilize their western land holdings, or their excess slaves to solve their debt issues, the gentry were forced to look for solutions outside of the existing imperial structure. This led the Virginia gentry to attempt to address these gathering anxieties by alleviate the crushing debts which bound them in their “uneasy kingdom.”¹⁰ A petition in March of 1772 to raise the import duties upon slaves in an effort to end, or at the very least slow, the importation of slaves was adopted by the group of men who would go on to form the inter-colonial committee of correspondence in Virginia.¹¹

Though on its surface it appears that this petition was inspired by anti-slavery notions of the evil of the slave trade, closer examination reveals that this was indeed one of the last gambits to navigate the unstable financial situation which the gentlemen from Virginia found themselves trapped in. This becomes even more apparent when one examines the make-up of the slave trade restriction committee of 1772 and the committee of 1773 which passed the resolve to create provincial committees and inter-colonial

⁹ Holton, *Forced Founders*, 35-38.

¹⁰ A term borrowed from Rhys Isaac *Landon Carter's Uneasy Kingdom Revolution & Rebellion on a Virginia Plantation* (New York, NY: Oxford University Press, 2004).

¹¹ Kennedy, *Journal of the Virginia House of Burgesses 1773-1776*, 43. These men formed the committee of correspondence under the Virginia resolution of 1773: Peyton Randolph, Robert Carter Nicholas, Dudley Diggs, Richard Bland, Archibald Cary, Benjamin Harrison, Dabney Carr, Richard Henry Lee and Thomas Jefferson. Of those Peyton Randolph, Richard Henry Lee, Benjamin Harrison, Richard Bland, Archibald Cary and Edmund Pendleton also had previously served on the committee to ban slave imports in March of 1772. John Kennedy, *Journals of the House of Burgesses of Virginia 1770-1772* (Richmond, VA, 1906), 256-257.

correspondence. There is a one hundred percent crossover, every gentlemen in the house of Burgesses working on the 1772 committee for the prohibitive duty on slaves, is also deeply involved in the 1773 resolution, thus proving that the motivation for both of these acts was to relieve their debt and increase the gentry's control over the institution of slavery and its legal future, in 1772 under the British system, and in 1773 proposing an alternative method of inter-colonial resistance to Britain.¹²

An end to the international slave trade in Virginia would entrench the current planter elite into an economic position which was even more difficult for others to achieve. This would occur for several reasons: it would be incredibly hard for small scale planters to expand their plantation operations by virtue of a dearth of cheap, readily available slaves; additionally it would not only increase the value of the excess slaves which the planter elite held, but create a social situation under which the planter elite were the arbiters of inclusion into their social caste through their control of excess slaves.

No longer would a yeoman farmer with some fortune or agricultural skill be able to shape his own destiny and carve out a plantation by the sweat of his own brow. Rather to attain elite social status social risers would be forced to associate themselves closely with the existing planter elite. In this way the Virginia gentry would not only strengthen their position at the top of society, but they would also ensure that no man entered their ranks without their direct influence. This would have been a boon to the Virginia gentry as they would have been able to control the ideology of the planter elite not only during their lifetime but for decades, and even centuries following their demise.

¹² Holton, *Forced Founders*, 66-73.

The measure passed the House of Burgesses but was struck down by the British Privy Council, of which Lord Mansfield was a member.¹³ This meant that because of the interests of British merchants and politicians to maintain control over Virginia, the gentry were left inside their anxiety-ridden, uneasy kingdom, saddled by unmanageable debt and threatened not only by possible slave rebellions, but also by the underclass who clamored for land and access to slaves. The gentry had a vision of a Virginia where they were once more solidly in control, where their debts were erased and their anxieties vanquished.

Unfortunately for the gentry their vision of a Virginia where they controlled access to slaves and thus threw off their considerable debts to British merchants would not come so easily. The measure's destruction by the Privy Council meant that their situation had not gone away, they still had to find some way out of their exhausting cycle of anxieties. The gentry now knew that the Crown was not interested in helping them, they had been left out in the cold by their mother country. In their denial of the petition to impose a higher duty on slaves, the British had pushed the gentry one step closer to revolution. In fact, this action of denial by the Privy Council is often referenced as a reason for the revolution among Virginia gentry.¹⁴

¹³ Norman S. Poser, *Lord Mansfield Justice in the Age of Reason* (Montreal, CA: McGill-Queen's University Press, 2013), 125.

¹⁴ Holton, *Forced Founders*, 73.

Chapter Two: Mansfieldian Consolidation

The failure of the Virginia House of Burgesses to solve their fiscal conundrum was but a local manifestation of the growth of British imperial power at the expense of colonial entities. This was one noticeable effect of Britain's great imperial consolidation project. The colonial assembly had attempted to address a problem within its colony by remove some imperial control. The bill would have removed British merchants' place atop the international slave trade, thus improving the gentry's economic situation. It had passed the Virginia House of Burgesses, but then it was struck down by the Privy Council "for the good of the empire." Britain's conception of empire was inherently bias, the "good of the empire" necessarily meant "the good of Great Britain" and the colonies were of mere peripheral concern.¹

This imperial bias emerged from Britain's great imperial consolidation project, a long arcing trend of the rise in parliamentary power following the Glorious Revolution of 1688. This imperial consolidation of Britain's colonial possessions resulted in Parliament's redefinition of colonial possessions as a direct part of Britain. This caused a transition away from the authority of colonial legislative bodies towards the supremacy of Parliament where the executive and legal power in the colonies was concerned. Ultimately this violated colonial interpretations of the composite relationship between colony and mother country and threw into relief their lack of direct representation in Parliament.²

¹ Jack P. Greene, *Peripheries and Center: Constitutional Development in the Extended Politics of the British Empire and the United States 1607-1788* (New York, NY: W.W. Norton, 1990).

² Ibid.

British consolidation was the primary agitating factor which led to the Revolutionary War. The colonial world view was shaped by a burgeoning understanding of republican ideals and close ties to British opposition thinkers who had a great fear of imperial consolidation. British opposition thinkers held sacred the ancient wisdom of the balance of governments; monarchy was too abusive of the masses, democracy was rule by the mob and oligarchy benefited only the few in control of a government. Opposition thinkers championed the balance these three forms of government under one system, only through balance would political stability and longevity ensue.³ The British Constitutional Monarchy was a model example of this balanced system: the king representing monarchy, the House of Lords oligarchy, and the House of Commons democracy. Yet consolidation was driven by the oligarchical minded House of Lords and supported by the moneyed interest of the empire who were inexorably tied to the House of Lords.⁴ Consolidation was essentially the corrupt triumph of one form of government, oligarchy, over the others, and as parliamentary power expanded, so did colonial anxieties.

In April of 1772 these colonial anxieties had expanded to the point that Virginians attempted to take action. Their petition to impose a prohibitive duty upon the import of slaves was a clear example of colonials attempting to exercise their right as an assembly to correct an economic malady among themselves and their constituents. Britain's denial of this attempt, as an expression of the consolidated power of Parliament, left Virginians in their state of anxiety. Throughout the rest of 1772 that anxiety was pushed to the brink, and when the House of Burgesses met again in March of 1773 they were prepared

³ Lance Banning *The Jeffersonian Persuasion Evolution of a Party Ideology* (Ithaca, NY: Cornell University Press, 1978) 22-23

⁴ *Ibid*, English concerns with corruption, 53-69, and revolutionary concerns 74-90.

to take the radical action necessary to reverse British consolidation and regain control of their colony.

Lord Mansfield, the pre-eminent legal mind in London, was deeply involved with these developments that threatened Virginia. Mansfield is in fact a central player at every turn where these alarming developments of 1772 present themselves. Mansfield, as a member of the Privy Council, had a role in denying Virginia's April 1772 petition. This was just the beginning of a long line of actions which here shall be collectively termed "Mansfieldian Consolidation." Each action threatened the future of the colony of Virginia from the gentry's perspective. The key elements of this "Mansfieldian Consolidation" were the Gaspée Instructions, with its roots in both the Declaratory Act of 1766 and the Dockyard Act passed April 16, 1772, and the Somerset Decision, rendered on June 22, 1772. These two major threats followed the arc of British consolidation and, when injected into Virginia's set of anxieties, prompted their radical action in March of 1773.

Lord Mansfield had already emerged an enemy of the American cause at the very beginning of her struggle with Great Britain. His blistering speech in support of the Stamp Act in 1766, and his support of Parliamentary power to intervene into colonial affairs cast him as an early enemy of the American cause. This would not have been lost upon the gentry of Virginia who had worked to repeal the Stamp Act.⁵ The fact that six years later Mansfield, enemy of the fledgling American cause, re-emerges in threats to the colonists rights would have been tied to his support of the Stamp and Declaratory Act. In

⁵ Holton, *Forced Founders*, 92-93.

1772 Mansfield declared his anti-American sentiments loudly both as Speaker of the House of Lords when the Dockyard Act passed on April 16, 1772, creating the legal framework for the Gaspée offenders to be tried in England rather than in their native Rhode Island, and as the judge in a landmark case concerning the legality of slavery, *Somerset vs. Stewart*. With these intrusions, Mansfield became an enemy not only of America as a whole, but also of America's slave societies in particular.⁶

The legal ground for Britain's ability to try the perpetrators of the Gaspée Riot in England rather than in Rhode Island had been laid down only two months before the incident occurred. The Dockyard Protections Act was passed in the House of Lords on April 16, 1772 when none other than Lord Mansfield was acting speaker of the House of Lords. The Dockyard Act introduced an exhaustive list of treasonous crimes punishable by death and subject to trial in England including causing a fire or explosion in a naval dockyard, magazine, warehouse, or ship.⁷ The Dockyard Act illustrates that there had been ongoing, tension between Britain's colonists and her naval possessions. The British mercantile structure greatly disadvantaged colonists, forcing them to conduct business within the small scope set out for them by Britain. Due to their disadvantage smuggling ran rampant in the colonies and British attempts to put down colonial smuggling often resulted in conflict, as was the case in the Gaspée Affair.

The Dockyard Act stood as a considerable threat to any colonists who were forced

⁶ Landon Carter, *The Diary of Colonel Landon Carter of Sabine Hall, 1752-1778. Volumes I & II* (Charlottesville, VA: University of Virginia Press, 1965). In an entry dated May 2, 1776 Carter states that "Mansfield's Speech (a later speech given which indicted the American cause), though from a judge is so indicative of rank Injustice, that the God of heaven must set himself against his endeavor." Strong words of indictment, showing a great deal of distaste for Mansfield.

⁷ 16 April 1772, Thirteenth Parliament of Great Britain: fifth Session (21 January 1772-9 June 1772), Vol. 33, George III year 12.

into smuggling and in doing so made to defend themselves by causing damage to his majesties naval assets. Additionally it asserted the unique ability for England to try capital offenders from the colonies on British soil, this denied the offender one of the basic rights of a freeborn Englishman, the right to a trial by jury consisting of their peers.⁸ English courts would likely condemn a colonist to death without a second thought, whereas courts in their home colony would have more sympathy and understanding for their situation. In this manner, the Dockyard act set up a legal framework under the Declaratory Act, and Gaspée became the test case that introduced a massive intrusion of Parliamentary power and denied basic rights to colonists.

The Gaspée riots was perhaps unique in the level of violence it attained, yet conflicts between colonial smugglers and the British navy were no new matter of business. The timing of Gaspée, instigated right after the passing of the Dockyard Act and during local conflict between Massachusetts and her governor Thomas Hutchinson is truly the only factor that determines its historical importance. The perpetrators of the Gaspée riot, who burned the HMS Gaspée on June 9th 1772, were certainly not knowledgeable of the Dockyard Act, and the implications of its new legal framework, which only added to the agitation which British actions caused in the colonies following the riot.

The framework for this intrusion into colonial proceedings was established well before this conflict. Following the Stamp Act crisis, Parliament felt it necessary to create a legal structure under which they could effectively consolidate their imperial possessions

⁸ William R. Leslie, "The Gaspée Affair: A Study of Its Constitutional Significance," *The Mississippi Valley Historical Review*. Vol. 39, No. 2(Sep. 1952), 250.

without legal grounds for protest from the colonies. That legal structure manifested itself in the form of the Declaratory act of 1766 which stated that Parliament “had hath, and of right ought to have, full power and authority to make laws and statutes of sufficient force and validity to bind the colonies and people of America...in all cases whatsoever.”⁹ This act established Parliament’s absolute power to supersede colonial law, and enact changes to colonial government regardless of the colonist’s representation in Parliament.

The repeal of the Stamp Act was hotly debated throughout the early months of 1766 in Parliament. In the House of Lords, Lord Chatham emerged to lead the colonial friendly faction who called for its repeal. Chatham’s greatest rival in this endeavor was none other than Lord Mansfield. On March 18, 1766 Lord Mansfield delivered his opinion upon the repeal of the Stamp Act and the establishment of the Declaratory Act stating,

Things are now brought to so perilous a Situation that you have nothing left you but come to Measures which are at best doubtful in their Consequences. Refused a Proxy because He would not trust himself with the vote of any Lord but his own. The Mischiefs which will attend rejecting this Bill are obvious certain and immediate — on the other Side the admitting it to pass may be a Measure which instead of removing the Evil may leave a perpetual one in the Room of it. To see the Consequences of this Bill being past we’ve to consider the both Bills together. It is now settled that there is no Restriction to the Legislative Authority of Great Britain. The Americans have adopted on this fatal Occasion a New Principle that they are not subject to the Legislative authority of Great Britain. They have refused the Law — have made Reprisals on the Effects of the English there and told them either repeal the Bill or you shan't have your Effects. In this Situation what is the Effect [of] repealing this Act It is the giving up the total Legislature of this Kingdom. This is the Side of the Measure which Your Lordships ought to consider. I did throw out in the Beginning of this Debate a Wish that the Declaratory Bill might be amended in such a Manner as to make the Repeal of the Bill agreeable to me. It declares you have a Right which they say you have not — you then declare their Resolutions to be null and void,

⁹18 March 1766, Twelfth Parliament of Great Britian: fifth session (17 December 1765 - 6 June 1766), Vol. 31, George III year 5.

which without your Declarations are so in Effect as being; without foundation. If a Bill passes which destroys the Land Marks of the Constitution it is without Remedy. This was the Case when King Charles made the Parliament perpetual. It was the Case when the Parliament gave King James his Revenue for life. He then took the Dispensing Power of himself and could not be obliged to give it up. May not the passing this Bill put us in a Situation of being dictated to by the Americans, who may think they have a Right to an Open Trade and Establishment of Manufactures. What then will become of us? I have now satisfied my own Conscience and if the Measure is carried I shall give Every Assistance to it in my power.¹⁰

This argument established Mansfield's decidedly anti-American standpoint. Not only did Mansfield clearly fully support a framework under which Parliament could do with the colonies as she pleased, Mansfield opposed the repeal of the Stamp Act and had more than a grudge against Americans who thought themselves able to enter into open trade and the establishment of their own manufactures.

Ultimately Mansfield's desire to keep the Stamp Act in place was ignored and the Declaratory Act was passed to assuage the situation with the Americans. Mirroring the concerns which Mansfield raised in his opinion, the repeal of the hated Stamp Act was seen as a victory for the legitimacy of the American cause. The Americans had effectively stood up to Parliament and won.¹¹ Yet, in their elation the colonists paid little attention to the Declaratory Act which delegitimized the American argument going forward. Essentially the British had relented on the Stamp Act only to establish a framework which undercut the legality of colonial dissent in the foreseeable future. This system established by the Declaratory Act was decidedly fatalistic and fated to survive for a mere eight years of "relative" peace.

¹⁰ Charles Henry Hull & Harold William Vazeile Temperley, *Debates on the Declaratory Act and the Repeal of the Stamp Act, 1766* (New York, NY, 1912) 576.

¹¹ James Curtis Ballagh, *The Letters of Richard Henry Lee Volume I 1762-1778* (New York, NY: Macmillan, 1911) 22, details a letter Lee sent out thanking the opposition to the Stamp Act.

The Gaspée Affair was certainly of central importance to the immediate origins of the American Revolution. The HMS Gaspée was a British customs ship which was engaged in enforcing some highly unpopular trade regulations along the Rhode Island coast.¹² On June 9, 1772, while chasing a packet boat suspected of smuggling goods, the ship ran aground in shallow water near the town of Warwick, Rhode Island. Members of the Rhode Island Sons of Liberty boarded the ship, attacked the crew, looted the contents and finally set the ship ablaze.¹³ The British outrage at the incident led to the creation of a Royal council of investigation, which issued instructions mandating that the perpetrators would be tried in English courts under the new Dockyard Act, which would likely result in their death by hanging.¹⁴ The northern colonies were outraged by Gaspée and the moment was seized by the patriot press. Newspapers in the north published voluminous pieces of propaganda elevating public outrage to a fever pitch.¹⁵ Traditionally this incident has also been cited as a causal effect for Virginia's creation of the inter-colonial committees of correspondence.¹⁶

Gaspée is commonly cited by many historians as a cause for Virginia's creation of the Inter-colonial Committee of Correspondence. Indeed this scholarly conclusion makes a great deal of sense when one examines the founding documents of the Committee itself, they explicitly list Gaspée as the leading cause for Virginia's agitation and creation of the Committee. In this conclusion, it appears that historians have taken these generally

¹² Leslie, "The Gaspée Affair," 234.

¹³ Ibid, 236.

¹⁴ Ibid, 239.

¹⁵ Leslie, "The Gaspée Affair," 238, 242-243.

¹⁶ Wood, *The American Revolution*, 36; Morgan, *The Birth of the Republic 1763-89*, 56; Bonwick, *The American Revolution*, 77; and Risjord, *Jefferson's America*, 108, 182.

deceptive Virginia gentlemen at their word¹⁷ as there has been very little scholarly investigation into this claim, and indeed little scholarly investigation into the Virginia Inter-colonial committee of correspondence at all. Indeed, Woody Holton's *Forced Founders*, which stands as the most complete work detailing the conditions which led to Virginia's Entrance into the Revolutionary war does not address the Gaspée Affair nor does it make an attempt to outline the significance of the Virginia Inter-colonial Committee of Correspondence to the foundational moment of the American Revolution.

It is obvious that if the Virginia gentry placed the onus of causation upon the Gaspée Affair that it would have weighed heavily on their minds in 1772-1773. Yet all indications of Virginia's discourse in the public sphere point to the contrary. The word "Gaspée" fails to appear in the *Virginia Gazette* in 1772, strange that such an event which inflamed the colony to action would not appear in the public exchange of information. In fact, the term "Rhode Island" does not appear until January 28th of 1773. Additionally a survey of the private world of the gentry unveils not only the absolute absence of references to the "Gaspée" in the personal correspondence, official records, and private diaries and journals of the members of the house of Burgesses, but also a lack of understanding about the event well into 1773.¹⁸

This evidence of the absence of Gaspée in public and private discourse does not mean that Gaspée had nothing to do with Virginia's formation of the Inter-colonial

¹⁷ I style the Virginia gentleman deceptive for many reasons, chiefly among them their ability to maintain slave empires while externally appearing to be gradual emancipationists. Their ability to equate property to a secret keyword that evokes slavery, and their generally slippery nature because of their paradoxical existence as patriots and slave-owners.

¹⁸ As illustrated in a letter to Samuel Adams sent, February 4, 1773, James Curtis Ballagh, *The Letters of Richard Henry Lee Volume I 1762-1778*, 82.

committee of correspondence. In fact Gaspée is a significant piece of motivation for Virginians to act, yet it was certainly not their critical cause for concern. As an intrusion of parliamentary power upon the jurisdiction of the colonial assemblies, Gaspée is indeed atrocious, and this intrusion of parliamentary power is what worried the Virginians, though not for the intrusion alone, but for what a similar intrusion based upon what the second key piece of “Mansfieldian Consolidation” might mean for the future of Slavery.

The greatest threat to slavery circa March of 1773 was clearly the Somerset Decision. On a practical level Lord Mansfield’s 1772 Somerset Decision put an end to slavery in England, declaring that it lacked the support of Positive Law.¹⁹ The Somerset Decision redefined the status of slaves within the British legal system. This re-defined the basic structure of debates upon slavery. Yet Somerset also redefined abolitionist thought. Somerset was much more than a temporary victory, it equipped Abolitionists with the tools necessary to fight slavery from a practical standpoint.

Slaves had long been defined as chattel property devoid of rights, yet James Somerset had been given not only the right to trial, but also the right to refuse sale by his master. Though Mansfield narrowly applied the law to Somerset’s case in particular, the broad implications of his ruling included a redefinition of the legal status of slaves. Slaves became, under the precedent Somerset, much closer to indentured servants that

¹⁹ Alfred Blumrosen and Ruth Blumrosen, *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution* (Naperville, IL: Sourcebooks, 2005), 1; Steven Wise, *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery*, (Cambridge, MA: Da Capo Press, 2005), 25-28; Daniel J. Hulsebosch, “Nothing but Liberty: “Somerset’s Case” and the British Empire,” *Law and History Review*. Vol. 24, No. 3 (Fall, 2006), 647-657; George van Cleve, “Mansfield’s Decision: Toward Human Freedom,” *Law and History Review*. Vol. 24, No. 3 (Fall, 2006), 665-671; George van Cleve, “Somerset’s Case and its Antecedents in Imperial Perspective” *Law and History Review*. Vol. 24, No. 3 (Fall, 2006), 601-645. Ruth Paley, “Imperial Politics and English Law: The Many Contexts of Somerset,” *Law and History Review*. Vol. 24, No. 3 (Fall, 2006), 659-664.

chattel property. This new legal standing would allow abolitionists to fight for the rights of enslaved Africans from a legal standpoint, no longer were their hands tied and their arguments relegated to appeals of moral superiority.

This new legal structure of Slavery in the empire would have been cause for great alarm in Virginia and given the nature of Virginia as a slave society likely confirms Somerset as one of the “proceedings” threatening the gentry’s ancient, legal and constitutional rights. Under this explanation, the Somerset decision, as a clear and present threat to the institution of slavery in the British Empire, takes on a new light. Somerset stands not only as a celebrated advance in human rights in the British Empire, but also as a threat to the southern American colonies which forced them to join the patriot cause against Great Britain.

The Somerset Decision was rendered on the 22nd of June, 1772. This decision reached upon the British case of *Somerset vs. Stewart* created a tangible threat to slavery throughout the British Empire, though this was not necessarily Mansfield’s intent. Lord Mansfield, the judge presiding over the case was in truth no abolitionist, his intent was not to eradicate the tenuous legal structure that supported slavery in England, rather he aimed to free one man whom he felt had been wronged by the slave system. Though it must be noted that it is clear that Mansfield was willing to condemn slavery as a system, and lay low slavery’s legality to obtain Somerset’s freedom, thus by necessity creating a structural threat to slavery.

The case had been brought about by a truly unique set of circumstances. James Somerset was the chattel property of one Charles Stewart a British Customs officer, he

had bought him Boston, Massachusetts in 1749. Stewart showed much favor to Somerset, as he had proven to be of great intelligence, learning English very quickly. Somerset became an indispensable possession for Stewart, so indispensable in fact that when he traveled to Britain in 1769 to provide support for his sister Cecilia after her husband's death he brought Somerset in tow.²⁰

Once in England Somerset was exposed to an entirely different world than the one he had left behind in the continental colonies. English slavery was nothing like that which existed in British America. After making contact with several free blacks and some of the growing number of white abolitionists in London, Somerset ran away. Following his departure from his master, Somerset was adopted by a group of three British abolitionists, John Marlow, Thomas Walkin and Elizabeth Cade, served as his godparents and had Somerset baptized as a Christian. Several months later, in November of 1771, misfortune struck as Somerset was captured and imprisoned by Stewart aboard the ship *Ann and Mary* bound for Jamaica. Somerset's abolitionist godparents heard of this troubling news and immediately made an application for a writ of habeas corpus. The courts forced the captain of the *Ann and Mary*, John Knowles, to produce Somerset for a hearing before the Kings Bench which would determine the legality of his present imprisonment. Lord Mansfield ordered a hearing for the following January and word began to circulate about the Somerset case.

Up until the Somerset decision the British abolitionist movement had been advancing upon the legal fact in England that a Christian could not enslave another

²⁰ Blumrosen and Blumrosen, *Slave Nation*, 1-2.

Christian.²¹ Abolitionists would commonly act as godparents, for baptismal rights conferred manumission in many cases. This rudimentary system of abolition had only just begun to take on the necessary legal tilt it needed to revolutionize British society under the steady hand of Granville Sharp. Noticing an opportunity to put the legal system to a test upon the grounds of the illegality of a Christian enslaving another Christian, Sharp took notice of the Somerset case and agreed to craft a legal defense for Somerset. Additionally troubling to the supporters of slavery Mr. Stewart's case was financed by said supporters, namely the illustrious planters of the West Indies. It is evident that each side had envisioned in this case an opportunity to create a solid ruling either for or against the legality of slavery as an institution.

Finally the cases were made in February of 1772. Lord Mansfield, attempting to reach a decision without creating the earth-shattering challenge to slavery that Granville Sharp was hoping for, tried to persuade Stewart to free Somerset. This plea had precedent in several similar recent cases, but Stewart refused to do so. This was likely in part due to the fact that his case was financed by the West Indian planters who hoped that a ruling on the matter which would confirm the legality of slavery. Even after Lord Mansfield explicitly indicated to Stewart and his West Indian backers that he was likely to rule in favor of Somerset, they refused to back down. In a last ditch effort to avoid the monumental decision he would later render, Lord Mansfield implored Somerset's godmother, Elizabeth Cade, to purchase Somerset and set him free, Cade refused to do so as she was aware of the wider implications of a ruling which went against the forces of

²¹ Wise, *Though the Heavens May Fall*, 25-28

slavery.²²

Thus, Lord Mansfield's hand was forced in the case to manumit Somerset by another, much more inflammatory avenue. In his final ruling Mansfield argued that

The state of slavery is of such a nature that it is incapable of being introduced on any reasons, moral or political, but only by positive law [statute], which preserves its force long after the reasons, occasions, and time itself from whence it was created, is erased from memory. It is so odious, that nothing can be suffered to support it, but positive law. Whatever inconveniences, therefore, may follow from the decision, I cannot say this case is allowed or approved by the law of England; and therefore the black must be discharged.

This ruling entirely redefined the legal structure in England. In many cases precedent for justice might be found in uncoded common law or natural law, but slavery so violates natural law that it could only be supported by specific positive law enacted by a sovereign legislature. Thus Lord Mansfield's explanation that that slavery can only be supported by positive law and that England had no positive law for slavery ultimately wound up eradicating slavery, from a legal standpoint, in England and Wales.

The ruling caused a bit of a legal contradiction, since Mansfield was overturning legal precedent established by the Lord Chancellor Hardwicke and the Solicitor General Charles Talbot. Hardwicke and Talbot had given a legal opinion in 1729 which stated that "a slave did not automatically become free when he was brought to Britain from the West Indies, that baptism did not make him free and that his master could legally compel him to return to the plantations."²³ This led some to see Mansfield's ruling not as a

²² Wise, *Though the Heavens May Fall*, 25-28

²³ Poser, *Lord Mansfield: Justice in the Age of Reason*, 289

confirmation of previous rulings, but a violent shift from legal precedent.²⁴

On a practical level Mansfield's decision put an end to chattel slavery in England and Wales by declaring the lack of positive law to support the institution. Many of the 14,000 slaves which existed in England at the time of his ruling ran away from their masters knowing that no legal recourse was available for their retrieval.²⁵ The London newspapers reported a great deal of celebration following the decision, even noting a ball which took place for some 200 black residents of London.²⁶

The domestic effect of Lord Mansfield's ruling is fascinating, but the effect which the ruling had upon British imperial possessions is our central problem. Mansfield's ruling left support for the odious institution in the hands of regional legislatures elsewhere in the empire. Each colony within the empire had its own slave codes which established the legality of slavery as a labor system. The Somerset decision, in providing an alternative view of the legal status of slaves, seemed to predict an eventual legal end to slavery in the colonies. Under British and colonial law before Somerset slaves were seen as mere property. Following Mansfield's ruling they potentially became something closer to an indentured servant in the eyes of British national law, with a great many more legal rights to fair treatment and the ability to run away without legal recourse in certain situations. Ultimately with Somerset's redefinition of the status of slaves, slavery became a changeable legal condition which was supported only by regional statute rather than British Common law.

²⁴ Srividhya Swainathan, "Developing the West Indian Proslavery Position after the Somerset Decision," *Slavery & Abolition: A Journal of Slave and Post-Slave Studies*, 24 (2003), 40-60.

²⁵ Wise, *Though the Heavens may Fall*, 183.

²⁶ *Ibid*, 193.

Chapter Three: Somerset's Colonial Reception

While Somerset's impact as a victory for abolitionist forces and a blow to the legality of slavery is evident, the true impact which the Somerset Decision had upon the American colonies is still up for interpretation. The Blumrosens' legal history *Slave Nation* makes a believable case that the Virginia gentry reacted to the Somerset Decision in such a way that it should be considered one of the major causal effects for Virginia's participation in the Revolutionary War. *Slave Nation* lays out the general structure of the argument for this kind of work even touching on the blending of Gaspée and Somerset in public opinion. But the Blumrosens' fail to provide sufficient primary source evidence to support their interpretation. The entirety of *Slave Nation's* section's dealing with the Virginia gentry, outside of a small sampling of newspaper articles from the *Virginia Gazette*, is pure conjecture.¹

The Blumrosens are supported by George Van Cleve's *A Slaveholder's Union*, an admirable work of scholarship, with a much greater depth of sources than *Slave Nation*. Yet the true value in Van Cleve's work comes in his outlining of the constitutional settlement and the instances when slavery becomes the topic of conversations concerning the founding of the United States. Certainly his aim is to focus upon the creation of this "slaveholder's union" however in adopting this focus he still fails to find compelling primary source evidence that provides a direct link between reactions to Somerset in Virginia and the creation of Virginia's Inter-colonial Committees in March of 1773.

¹ Even this survey of newspapers was taken from Patricia Bradley, "Slavery in Colonial Newspapers: The Somerset Case," *Journalism History*, 12, (Spring 1985), 2-7.

Other works deny that Somerset's implications had a place in the causes that led to the American Revolution.² This is a bold statement to make without providing any type of evidence of the absence of Somerset within colonial conversations. It is hard to uncover convincing evidence proving Somerset's impact, but just because the task is arduous does not mean that it should be overlooked.

Some of what is at play in terms of the difficulty with uncovering evidence that proves Somerset's impact among the Virginia gentry is the issue of "silence." Slavery created a most uncomfortable paradox for the founding generation. Men could not espouse the validity of natural rights of liberty, freedom and equality and in the same breath extoll the virtues of an institution such as slavery. This led to a great deal of silence, and in some cases active silencing among the gentry.

Joseph Ellis's work *Founding Brothers* addresses this issue of silence in his chapter entitled "The Silence." Ellis addresses the issue by presenting the events which took place in the House of Representatives in 1790. Following the presentation of a petition by a group of Quakers from New York and Philadelphia regarding the immediate end to the African slave trade. Southern representatives, predictably took great offense to this intrusion and pointed to the Quakers status as pacifists and their prior neutrality in the Revolutionary war as reasons that the petition should be disregarded, however by some stroke of fate the petition was actually discussed. This, along with heated debates which led to the pro-slavery language in the constitution were the only times the Revolutionary generation had a meaningful conversation about slavery in a platform

²Notably, David Brion Davis, "American Slavery and the American Revolution," in Ira Berlin and Ronald Hoffman eds., *Slavery and Freedom in the Age of the American Revolution* (Charlottesville, VA: University Press of Virginia, 1983) 278.

which involved both northern and southern state representatives.³

Direct silencing is as yet a topic which has not received much scholarship, but a prime example of silencing exists in a letter Thomas Jefferson wrote to James Madison on September 8, 1793. Within this letter Jefferson orders Madison to have a pamphleteer, one John Taylor of Caroline County, Virginia, remove a section from his draft concerning slavery. Jefferson commented “At last a whole page of Virginia flashed on me. It was in the section on the state of parties and was an apology for the continuance of slavery among us it had nothing to do with the state of parties... I struck it out.” Though this letter concerns the formation of the Jeffersonian party, it shows that the mechanisms for silencing were in place, a political superior could reign in those beneath him from commenting on slavery, thus controlling the political outlook of the revolution, or in this later example the formation of a political party.⁴

As a consequence of this necessary silence, members of the Revolutionary Generation largely did not discuss slavery. It is possible to pour over the letters of the entire membership list of those who served in the House of Burgesses that have survived to this date and fail to find any statements regarding the defense of slavery. When examining where slavery fits into revolutionary arguments made by southern revolutionaries one must consider the fact that slaves were considered property under the law, thus when a member of the southern gentry is discussing “property” it can be seen as

³ Joseph J. Ellis, *Founding Brothers: The Revolutionary Generation*, (New York, NY: Knopf Doubleday, 2002), 81-119 chapter entitled “The Silence.”

⁴ James Madison, *The Papers of James Madison: 24 March, 1793-20 April, 1795* (Charlottesville, VA: University of Virginia Press, 1985) 103-105.

code for rights to hold slaves.”⁵

Nowhere is the correlation between slaves and property in the minds of Virginians made clearer than in the constitutional ratifying debates in Virginia. Patrick Henry while discussing the provision of implied powers left to the people and not to the federal government argued that this must be included in the Constitution prior to its adoption. To enforce his argument Henry had a most egregious slip of the tongue, briefly equating property concerns with slavery and violating the long standing condition of silence, stating,

In this situation, I see a great deal of the property of the people of Virginia in jeopardy, and their peace and tranquility gone. I repeat it again, that it would rejoice my very soul that every one of my fellow-beings was emancipated. As we ought with gratitude to admire that decree of Heaven which has numbered us among the free, we ought to lament and deplore the necessity of holding our fellowmen in bondage. But is it practicable, by any human means, to liberate them without producing the most dreadful and ruinous consequences? We ought to possess them in the manner we inherited them from our ancestors, as their manumission is incompatible with the felicity of our country. But we ought to soften, as much as possible, the rigor of their unhappy fate. I know that, in a variety of particular instances, the legislature, listening to complaints, have admitted their emancipation. Let me not dwell on this subject. I will only add that this, as well as every other property of the people of Virginia, is in jeopardy, and put in the hands of those who have no similarity of situation with us. This is a local matter, and I can see no propriety in subjecting it to Congress.⁶

This speech by Henry was clearly equating slaves with property, the chief property of concern among slaveholders, and validates analysis that connects property rights to legal protections for slavery.

⁵ Interesting language emerges concerning slaves and property in debates over the 3/5th's clause in 1777 and 1787, see George Van Cleve, *A Slaveholder's Union*, (Chicago, IL: Chicago University Press, 2010); Gary J. Kornblith, *Slavery and Sectional Strife in the Early American Republic 1776-1821*, (Lanham, MD: Rowman & Littlefield, 2010) 21 and 105-107.

⁶ Ed. Gaspare J. Saladino and John P. Kaminski, "Journal Notes of the Virginia Ratification Convention Proceedings." *The Documentary History of the Ratification of the Constitution*. Vol. 10. (Madison: Wisconsin Historical Society Press, 1993), 1258-99.

The issue of silence about slavery provides a great hurdle to uncovering evidence which unequivocally proves Somerset's creation of anxieties among the Virginia Gentry. However there are three key pieces of evidence that point to Somerset's impact within the colony. The way in which colonial newspapers handled reporting on Somerset, chronologically speaking, illustrates the decision's importance within the Virginia colony. Additionally the appearance of an infamous West Indian Pro-Slavery tract in the *Virginia Gazette* points to the shape of public opinion regarding the ruling. Finally the sharp jump in runaway advertisements in the *Virginia Gazette* points to the real possibility that there was a tangible impact that the knowledge of Somerset had upon slave's decisions to attempt to escape their plantations.

News of the Somerset Decision hit the London press in July of 1772 appearing in the *Gentleman's Magazine*, less than a month later this news was printed in the *Virginia Gazette*, on August 17, 1772. This was an impressive turn-around for trans-Atlantic news and also notable because news of the decision did not appear in the Boston newspapers until the September 21, 1772 issue of the *Boston Gazette*. This swift reporting of the decision shows that it was a matter important to Virginians and therefore needed to be distributed quickly. Following the initial reporting of the decision there were four more insertions in the *Virginia Gazette*.⁷

Outside of the basic reports on the trial and decision, the reaction to Somerset in the public was encapsulated in the *Virginia Gazette's* decision to print a pro-slavery polemic which rallied against Mansfield and disputed the legality of his decision.

⁷ Articles concerning Somerset comprised a sum total of 1055 words, Bradley, "Slavery in Colonial Newspapers: The Somerset Case," 6.

Entitled “Considerations on the Negro Cause” and authored under the pen name of “a West Indian” this piece appeared in the November 12, 1772, issue of the *Virginia Gazette*. This piece is a strong indictment of the Somerset Decision and one of the key polemics which kicked off the West Indian construction of a pro-slavery position, necessary in light of the Somerset Decision.⁸

“Considerations on the Negro Cause” is a blistering piece of pro-slavery propaganda, it condemns Mansfield, though it agreed that there was no positive law for slavery in Great Britain. The writer asserts that legal cases have established the fact that Negroes cannot be free in Great Britain, stating,

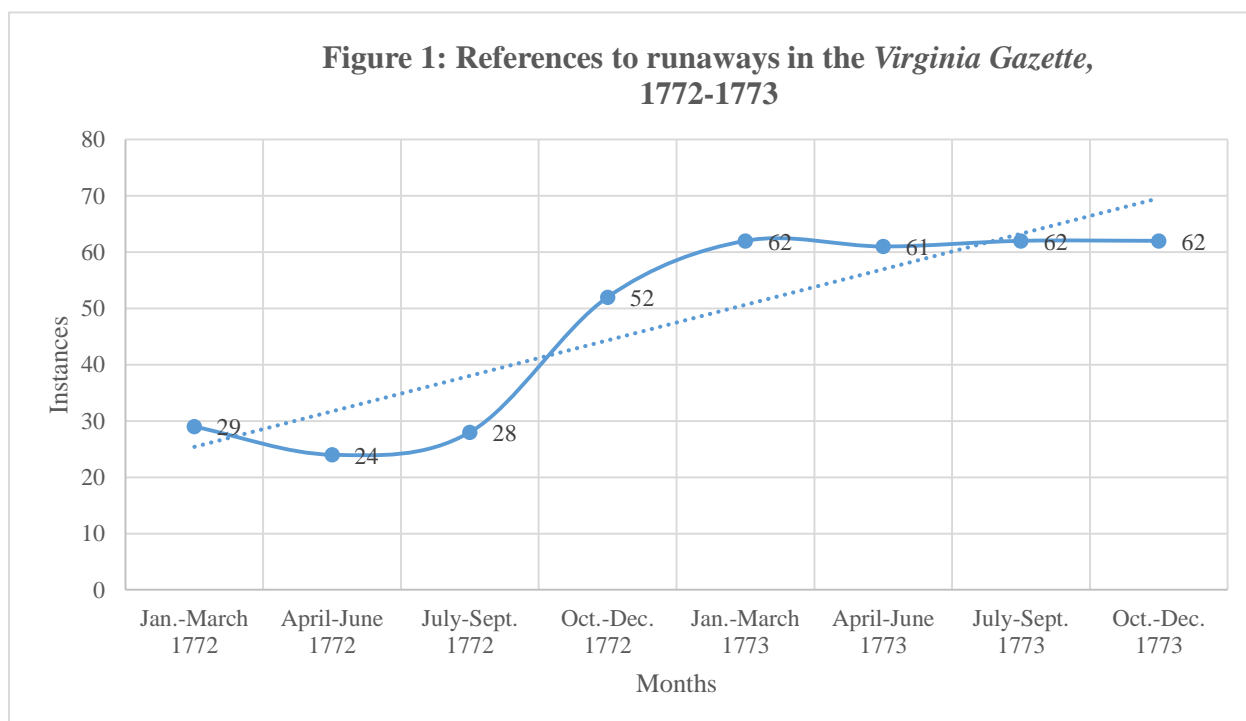
But to return, if your Lordship should be of opinion, for opinion it must be, if there is no positive law to ground your judgment upon, that Negroes in this country are free, I will place in opposition to this, the opinions of the late Lord Chancellor Hardwicke, and his predecessor the Lord Chancellor Talbot, to wit, that Negroes in this country are not free. Your Lordship perceives that I take your opinion upon suspicion only; the other opinions are well known facts to search then for the grounds of your opinion without the certainty of its being so, would be now premature and unnecessary; but knowing the opinions of these two great oracles of the law it is of necessity to conclude that had the most sufficient foundation for them seeing that it is allowed on every hand that no opinion was ever given in any case whatever with greater solemnity, or more deliberation than these were. Now, my Lord, to investigate the reasons of these opinions is one way, perhaps, to arrive at the truth; but to follow men like these in their researches is a procedure fitted only to abilities such as your Lordship's are. However conjecture is open to all, though positive knowledge is but the gift of a few. Upon this consideration, then I shall venture to suggest what might in part have led the ideas of these great and wise men to the conclusion which they have drawn, namely that Negroes in this country do not become free.

This was a conscious effort by a slave-owner to rally against Somerset by legally discrediting Mansfield by citing rulings prior to Somerset which protected slave-owners. Ultimately on a large scale these pro-slavery defenses it failed, but it also

⁸ Swainathan, “Developing the West Indian Proslavery Position after the Somerset Decision,” *Slavery & Abolition*, 40-60.

represented the way in which slave-owners would have received the Somerset Decision, it shocked them to their very core, it called into question the institution which made their lives possible, and they would have been unable to accept it as a part of their legal structure. This was a reaction which, when added to the Virginian's already precarious place in the empire may have pushed the Virginia gentry into radical action.

In addition to the explicitly worded polemic rallying against slavery, there was another tangible consequence of Somerset for the Virginia gentry. The number of advertisements for slave runaways following the report of the Somerset Decision in Virginia doubles. Figure 1 depicts a graph showing the number of instances which a reference to runaways appeared in the *Virginia Gazette* and there is a clear spike in the months of October through December of 1772. A short three months following the news of Somerset, Virginia's slaves were beginning to run away in numbers that were two times those of pre-Somerset runaways. This trend continued into 1773, remaining at a more than doubled rate for a full twelve months following the decision.



In fact, on June 30, 1774 an advertisement for a runaway by the name of Bacchus in the *Virginia Gazette* explicitly mentions the Somerset decision as a reason for the slave's disappearance. The advertisement stated that he "will probably endeavor to pass for a Freeman by the Name of John Christian and attempt to get on Board some Vessel bound for Great Britain, from the Knowledge he has of the late Determination of Somerset's Case." This illustrates not only that slaves had knowledge of Somerset, but that they were attempting to escape to England because of that knowledge.

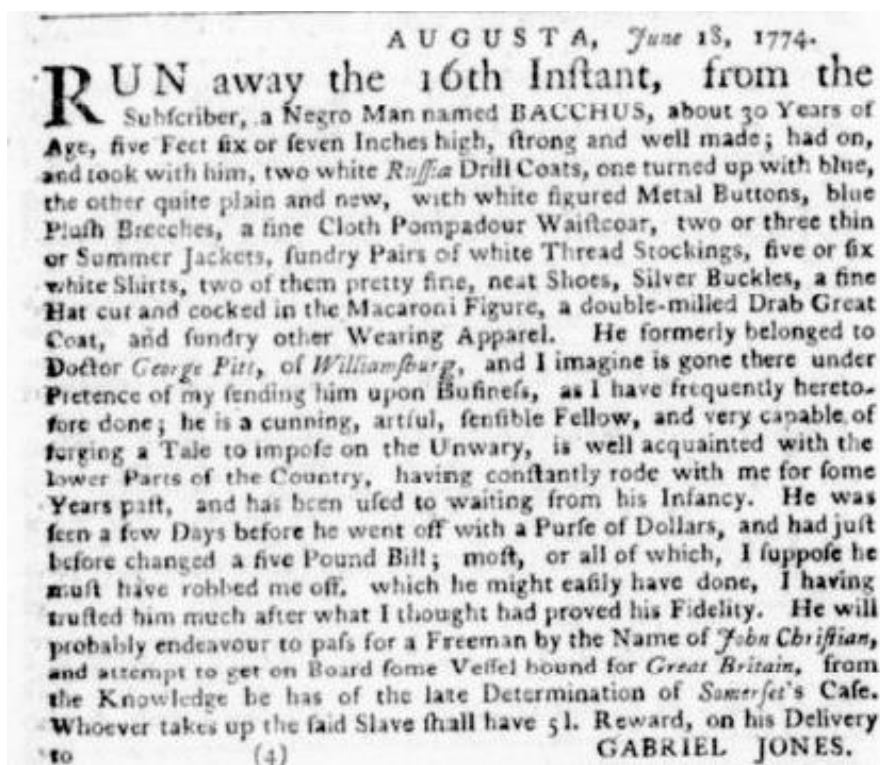


Figure 2: "The Bacchus Advertisement": *Virginia Gazette*, June 30, 1774

This is clear evidence that Somerset had a tangible effect upon the Slaveholder's ability to hold slaves. Not only were the theoretical implications for the future concerning, as evidenced by the newspaper coverage, but also their slaves had learned of the decision and began to act upon that information. Britain had denied the Virginia

gentry control over their slaves by striking down their April 1772 petition, and gone a step further in June of 1772 introducing the chaos of Somerset into their already challenging situation. Something had to be done to remedy their situation.

Ultimately the solution to this conundrum would present itself in March of 1773 when the Virginia gentry decided to cast their lot with the patriots of Massachusetts and instigated the entry of southern colonies into the system of resistance which would develop into the American Revolution. A successful revolution meant that Virginians finally controlled their own destiny, and indeed one of the first actions of the new Virginia state legislature was to put an end to the slave trade, though slavery would continue to prosper well into the foreseeable future

Until Virginia's resolution of March 12, 1773, the burgeoning insurgency which would become the American Revolution was essentially local struggle between Massachusetts and the full force of the British Empire.⁹ Certainly a framework of inter-colonial participation during the Stamp, Sugar and Townsend Act crises did exist.¹⁰ However as of 1772 Massachusetts found itself engaged alone, in a localized conflict with the British Empire, this is personified in the Massachusetts legislature's struggle with their royal governor Thomas Hutchinson.¹¹

Local Committees of Correspondence were launched in Massachusetts in November of 1772, on the initiative of the Boston Committee.¹² Born as a challenge to

⁹ By extension Massachusetts allies in New England were also being slowly pulled into the conflict, but Massachusetts and Boston in particular were at the epicenter of the conflict.

¹⁰ Pauline Maier, *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776*, (New York, NY: W.W. Norton, 1992) 81.

¹¹ Brown, *Revolutionary Politics in Massachusetts*, 50-51.

¹² Ibid.

Thomas Hutchinson's "abuse of power in Massachusetts" and propelled forward by the controversy surrounding the Gaspée Affair, these Committees had begun to achieve successes at the local level organizing the people into an active "insurgency."¹³

Massachusetts would face imminent doom if it were to enter into open military conflict with Great Britain without allying itself with the other colonies.¹⁴ Massachusetts, and even New England as a whole did not have the resources, manpower or otherwise, necessary compete with the mighty British Empire.

However if the Boston patriots were to accomplish their true aims of a break with the British Empire, this local insurgency would not suffice, to truly achieve their ends, these Bostonians would have to spread their cause to the other American colonies. Therein lies the primary significance of the Virginia Committee of Correspondence: its creation signaled that Massachusetts would not stand as the only colony to oppose Great Britain. Specifically this grand allegiance of Tidewater Virginia and New England signaled that the continental-wide conflict which would eventually develop was moving from the realm of myth to that of reality.¹⁵

Virginia's creation of the inter-colonial Committees of Correspondence this lightened the great burden upon the leadership in Massachusetts. Gaspée had served as a galvanizing moment for the cause in Massachusetts inciting great public outrage. However it was Somerset's implications combined with the great intrusion of Parliamentary power in the Gaspée Incident which produced Virginia's call for creation

¹³ Term Borrowed from T.H.Breen, *American Insurgents, American Patriots the Revolution of the People*, (New York, NY: Hill and Wang, 2010)

¹⁴ Morton, *The American Revolution*, (Westport, CT: Greenwood, 2003) 33.

¹⁵ Kevin Phillips, *1775 A Good Year for Revolution* (New York, NY: Viking, 2013), 37-45.

of provincial committees to “crystalize” inter-colonial resistance.

Chapter Four: The Triumvirate

Mansfield's role in the Declaratory Act and later the Dockyard Act, which precipitated the Gaspée Affair, and his role in the Somerset Decision is of central significance in the political struggle leading to the American Revolution. Mansfield's hand in these events connected them ideologically not only in their sources, but also in the minds of Virginians. To assail the gentry's "ancient, legal and constitutional" rights with two separate episodes spawned, at least in part, from the mind of the greatest legal mind in the British Empire would raise a great deal of alarm. But in addition to these connections the role of the Somerset Decision in Virginia's creation of the Inter-colonial committees of correspondence, lay also in the growing communications between Virginian brothers Richard Henry Lee and Arthur Lee, and their fellow patriot in Massachusetts Samuel Adams. The rapidly developing coordination between these three men shaped the way in which Gaspée and Somerset were seized upon by the Virginia gentry to challenge the British Empire, and eventually to help to create a new polity which would have no ambiguities about the legality of slavery.

Within this "triumvirate" there are represented varying views on slavery and republicanism. The gradient among these views is inherently evident in the thinking of Arthur Lee, a worldly Virginia gentlemen fairly well removed from the land of his childhood. Lee is remembered as a gradual emancipationist committed to ideals very close to the New England conception of republicanism, yet he still clung with

unnecessary force to the norms and ideals of the slave society of his home colony.¹ His brother Richard Henry Lee was firmly entrenched in the planter elite of Virginia, he relied on slave labor to provide for his family while he worked as both a legislator and politician.² Finally Samuel Adams stands as an example of a New Englander, his views on slavery were fairly indicative of most New Englanders in his time. He personally felt to be aligned solidly against the institution of slavery.³ Yet, Adams public conduct does not indicate this private conviction, he did not publicly advocate or advance abolition. Perhaps this view was adopted based upon his commitment to an allegiance with the slave-holding south, yet he provides the viewpoint of an individual who on a personal level had little to gain from slavery as an institution, yet a great deal to gain from his allegiance with the slaveholding Virginia gentry.

At the center of this “triumvirate” lay the borthers Lee. Born eight years apart, Richard Henry Lee on January 20, 1732 and Arthur Lee on December 20, 1740, to Thomas Lee and Hannah Harrison Ludwell, these two men were members of one of Virginia’s most prestigious families. Descended from the line of Richard Lee “the Immigrant,” the Lee family had been a part of tidewater Virginia since 1639.

There is little doubt that Arthur Lee’s views on slavery form perhaps the greatest enigma amongst the founding generation. Nowhere can such conflicting views be found

¹ This can be seen not only in his “anti-slavery” works as he characterizes Africans as savage brutes who deserve enslavement, but also later in life when in 1791 he bought the rights to 1,000 acres of land in Virginia, likely intending to retire to the life of a planter, and in his 1792 will where rather than emancipate his slaves, as would have been the likely act for a man of anti-slavery sentiment, he willed his slaves to his brother Richard Henry Lee sealing not only their fate but that of their descendants as well.

² J. Kent McGaughy, *Richard Henry Lee of Virginia: A Portrait of an American Revolutionary*, (Plymouth, U.K.: Rowman & Littlefield, 2004), 61.

³ Find William V. Wells, *The Life and Public Services of Samuel Adams* (Boston, 1865)

contained in one individual save perhaps within Thomas Jefferson. Lee was educated in England, attending Eaton and eventually earning his medical degree from the University of Edinburgh. In 1767 Lee entered the public sphere regarding slavery. Enraged by the barbs which Adam Smith directed towards the Virginia Cavaliers and their brand of slavery in his *Theory of Moral Sentiments*, Lee wrote a rebuttal to Smith entitled *Vindication of the Continental Colonies of America, from a Censure of Mr. Adam Smith in His theory of Moral Sentiments, with Some Reflections on Slavery in General*. This essay epitomized more than Lee's lifelong views on slavery, it also introduced his tendency to write under a pen name, having written this pieces as simply "an American."

Within his *Vindication* Lee provides the great conflicted views of slavery held by a small number of the elite in Virginia. Lee felt that Slavery was odious and ought to be done away with, this is apparent throughout all of his works, yet Lee also stood as a Virginian from the great slaveholding house of Lee and he inherited a great deal of anxiety towards and misconceptions about African American slaves. The most intriguing section of this vindication concerns his opinions of the African race, he details how he feels that they are the most barbarous of persons and deserve to be held in bondage.⁴

In this section Lee states "they are are so prone to lying, that they exercise this faculty on every occasion" that in battle "their cruelty which is inseparable from cowardice, impels them, when victorious to the most savage barbarities" that "We read with horror, of their sucking the blood of their enemies; of their ripping open the teeming womb, and dashing the infant against the stones" finally Lee states "Abandoned indeed,

⁴ Arthur Lee, *Vindication of the Continental Colonies of America, from a Censure of Mr. Adam Smith in His theory of Moral Sentiments, with Some Reflections on Slavery in General* (1767).

beyond all instance of depravation, must they be, whose stronger vices should justly expose them to the contempt of this people.”⁵

Strong language against Africans for one of an “anti-slavery” tilt. The work shows that Lee felt from a rational standpoint that slavery was wrong, a sentiment he expresses on many public occasions. Yet from a practical standpoint he felt that Africans were subhuman and to be feared as insurrectionists and barbarians, revealing the mind of the so called “gradual emancipationist.” A mind suspended between two worlds, the world of the slaveholding elite where slavery is the lifeblood that drives their empire, and that of the enlightenment academic, seeking to uncover and revel in the great attributes of all of humanity.

Richard Henry Lee’s views on slavery also appear to be quite enigmatic, though this is likely a symptom of the silence that is generally evident in surviving material evidence concerning southern gentry. Lee was a slave-owner, yet also has been attributed to having anti-slavery sentiments. His actions illustrate both of these to be true, but tend to point to the likelihood that Lee could not survive, or at least live his life the way he wanted to, without slavery.

Lee was clearly not opposed to owning slaves, having inherited fifty of them from his father. Lee leased his slaves out to do work for others, from which he obtained a great deal of profit, so that he could work as a lawyer and politician. This shows that he utilized his ownership of slaves for personal profit, in fact his eminent political position could not be maintained without slavery. Thus it is apparent that Richard Henry Lee had a

⁵ Arthur Lee, *Vindication of the Continental Colonies of America*, 11-16.

vested interest in protecting slavery as an institution. Profits from slave labor meant that Lee could be a lifetime politician which was indeed his preferred profession.

However Lee is often referred to as of an anti-slavery tilt, some even going as far as to coin him “the Southern New Englander” a man that did not fit in with his colleagues in Virginia.⁶ This may be due to some botched interpretation of material evidence surrounding Lee. Lee was often terrified of slave rebellions and supported the movement to end the international slave trade in Virginia because of these fears. Particularly notable concerning his fear of slave insurrections is his involvement on the committee to impose a prohibitive duty on slave imports in 1772. Lee felt that not only would this prohibitive duty help to keep political control in the hands of the gentry, but that it would also reduce the likelihood of a slave insurrection. Thus, Lee’s involvement on this committee, championing what may appear as an anti-slavery goal, the prohibition of the international slave trade, was actually due to his commitment to the planter elite, and to his fear of slave insurrections, not anti-slavery notions.

Lee’s surviving statements take on a nature which appears to place him much closer to anti-slavery sentiments than should be permissible. He was in fact not expressing anti-slavery sentiment, but rather feared that the system of slavery located next to liberty could mean death for his fellow white citizens of Virginia.⁷ This fear could be rectified in two ways, by ending slavery, or by creating a polity which held in place mechanisms to protect the citizenry from possible insurrections by slaves, such as

⁶ Pauline Maier, *The Old Revolutionaries*, (New York, NY: Knopf, 1980) 164-166, 200.

⁷ McGaughy, *Richard Henry Lee of Virginia*, 63.

those protections which can be found in the U.S. Constitution circa 1787.⁸ Thus this traditional attribution of anti-slavery sentiment must be questioned, as Richard Henry Lee personally profited from slavery, had great anxieties about slave rebellions which he ensured were addressed in the Constitutional Convention and continued to own slaves throughout his life, emancipating them neither after the Revolutionary War nor at the end of his life.

Therefore it can be said that Richard Henry Lee, though at times falsely attributed to the anti-slavery camp by historians had a complex relationship to slavery. He neither loved nor despised it, but saw in it the economic necessity for his personal life and for those of his fellow Virginians. As a politician Lee had to think not only of his personal interests, but of the interests of Virginia's entire citizenry, especially the planter elite whose livelihood was deeply and irrevocably rooted in the continued existence of a stable slave society.⁹ Therefore even if Lee's views on slavery were slightly more progressive than his fellow Virginians, it is impossible that he could see threats to the institution of slavery in a positive light.

Samuel Adams was a true Bostonian: the general consensus among historians is that Adams despised slavery in private, but said very little about it publicly.¹⁰ This was the "politically advantageous" way to avoid political ruin by openly discussing slavery in

⁸ David Waldstreicher, *Slavery's Constitution From Revolution to Ratification*, (New York, NY: Hill and Wang, 2009), 6.

⁹ Kulikoff, *Tobacco and Slaves*, 141.

¹⁰ William V. Wells, *The Life and Public Services of Samuel Adams: Being a narrative of His Acts and Opinions, and of His Agency in Producing and Forwarding the American Revolution, with Extracts from His Correspondence, State Papers and Political Essays, vol. 1*, (Boston, MA: Little, Brown, 1865) 138,148; Crass Canfield, *Samuel Adam's Revolution 1765-1776: With the Assistance of George Washington, Thomas Jefferson, Benjamin Franklin, John Adams, George III and the People of Boston*, (New York, NY:Harper & Row, 1976) 54.

early America. Yet this also illustrates that Adams was not committed to the cause of ending slavery, it may have despised him, but as a public figure he did nothing to combat its existence. What is clear is that Adams was deeply concerned with the advancement of the Patriot cause and that his willingness to ally himself the Lees of Virginia contributed greatly to the creation of an inter-colonial struggle.

The correspondence between these three men, though mired in various issues of interpretation, explains not only how Somerset agitated Virginia, but for how these gentlemen were able to parlay that agitation into a cause, and how that cause pulled the southern colonies in line with Massachusetts. The way in which the correspondence fits into the chronological progression of both Gaspée and Somerset is very suggestive: letters between each member of this triumvirate illustrate not only a deep concern for the American cause but also a bright friendship.

Arthur Lee had been writing to his older brother ever since he went to college in London as a young man, following his education at Eaton, he studied law in London and began practicing as an attorney in 1770. This early correspondence illustrates the loving tone that attends their later letters with Arthur and Richard Henry always addressing their letters “My Dear Brother.”¹¹ Yet one piece of early correspondence bears a great deal of interest to later developments within the triumvirate, on November 15, 1769 Arthur Lee wrote in the closing of a letter to his brother,

It is a chance whether you ever meet with a series of letters signed Junius Americanus, in which the enemies of America are chiefly attacked ; though to make what was written in defense of the colonies acceptable it was necessary to

¹¹ Richard Henry Lee (1794-1865), *Life of Arthur Lee*, (Boston, MA: Wells and Lilly, 1829); James Curtis Ballagh, *The Letters of Richard Henry Lee Volume I 1762-1778*.

give now and then a stroke to the characters obnoxious here. It is desirable to make a signature popular ; when that is effected I shall be able to write for America under it with success, which is otherwise extremely difficult to accomplish.¹²

This establishes Arthur's connection to the pen name "Junius Americanus" which he would later use to write polemical pieces which argued stringently for the American cause. This shows that as early as 1769 the two Lees were developing systems through which they could actively support the goals of America, more specifically Virginia. Arthur's place in London was advantageous and would provide Richard Henry with timely information about the political atmosphere surrounding the American cause in London. Likewise Richard Henry's place in the House of Burgesses was also advantageous to this goal as he had a say in the political voice of Virginia one of the largest and wealthiest of the colonies in America.

Arthur Lee continued to keep a watchful eye upon the political scene in Great Britain, in 1770 he was appointed the official correspondent to Great Britain and France for the colony of Massachusetts. His proximity to Parliament through his law practice, and his noted pro-American stance, evident since his 1767 *Vindications*, had begun to work in his favor as he was granted an official title for his auxiliary work upon the American cause.

His correspondence with Samuel Adams began with his appointment as an official Massachusetts diplomat, and through their correspondence they formulated a lifelong friendship, though they did not meet in person until 1780. Later on Arthur would encourage his brother Richard Henry to contact Mr. Adams and the two would begin

¹² Richard Henry Lee (1794-1865), *Life of Arthur Lee*, 199-200

their own lifelong friendship while crafting an inter-colonial resistance to Great Britain. There are a series of letters between Arthur Lee and Samuel Adams that illustrate the nature of Lee's assignment.¹³ Unfortunately, as is usually the case, the correspondence is not complete.

In June of 1772 a political development caught Arthur Lee's eye which had little to do with his occupation as Massachusetts official correspondent to Great Britain and France. On June 22, 1772, The Somerset Decision was handed down by Lord Mansfield. Lee saw this as an occasion to write to Granville Sharp, stating

I congratulate you Sir, most cordially on the success of your noble exertions against Slavery where- would be to God, the evil were not too deeply rooted in America to give us hope of any other relief than that which the gradual operation of the same mild means which eradicated it here may produce.¹⁴

On its surface this congratulatory letter appears to support Lee's "anti-slavery" stance, indeed the letter is cordial, full of condemnations of the immoral nature of slavery. But in the paragraph above, rather than lauding the victory over slavery as one which might be imported into America, Lee deplores that slavery is "too deeply rooted" giving Americans no alternative route save a "gradual operation of the same means which eradicated it here." This shows Lee's true colors as a gradualist. He and by extension his family and other Virginians have far too much to gain from slavery at the present, to condemn it morally was fine, to abhor its tendency to introduce the fear of slave rebellion was fine, but to do away with it in one swift legal act, was an impossibility. This curious

¹³ Richard Henry Lee (1794-1865), *Life of Arthur Lee*, 215-219 displays an example of this, a long letter sent June 10, 1771 in which Lee details much of the comings and goings in Parliament concerning the colonies.

¹⁴ Arthur Lee, "Letter to Granville Sharp," New York Heritage digital collections, 1773, <http://cdm16694.contentdm.oclc.org/cdm/ref/collection/p15052coll5/id/36319>, (accessed February 2, 2014).

letter would stand alone as an oddity were it not for the direct actions of Lee which followed.

Following his exposure to the Somerset Decision Lee engaged in a conscious effort to pull Virginia into the patriot fold. Troubling events had been unfolding in Massachusetts which Lee was privy to due to his correspondence with Samuel Adams. Adams and Lee had been contemplating the possibility of inter-colonial resistance for some time, it had worked during the Stamp Act Crisis and it would serve them well in their current dilemma. The issue was that conflicts with the Governor and the Gaspée Affair were just local issues, having not been discussed with much detail in the south. They had to find a mechanism with which the rest of the colonies could be pulled into the fold. Somerset may have provided just that motivation for a letter dated June 23, 1772 from Arthur Lee to Samuel Adams illustrates a shift in their correspondence. In his letter Lee announced to Adams that

I have reconsidered what I then wrote you touching the policy of a congress; and I am happy in retracting my opinion, upon a full conviction that you are wiser and better able to judge what is proper in this business than I can possibly be. From the very beginning of this dispute, I have taken that part in it which a general zeal for liberty, pointed by a particular duty to my country, prompted. I have been fixed in two fundamental opinions on it ; that the parliament had no legislative right over us, and that when firmly united we might maintain our rights against the power of this country. No position seemed ever clearer to me than that a free people could not be bound by laws not made or assented to by themselves¹⁵

This letter was sent the day after the Somerset Decision, Arthur may have been concerned about the implications of this decision, and as a solution he turns to Samuel Adams, pushing his vision of uniting the colonies. Lee may well have seen uniting the

¹⁵ Richard Henry Lee (1794-1865), *Life of Arthur Lee*, 219-224

colonies in a single cause as the only way to combat the Somerset decision. But how would these men create cohesion between the disparate groups of colonies? The colonies must be united under one cause, one event must exist which could ignite patriotic passions in each and every colonist across the continent.

That event presented itself in the Gaspée Affair, northern sentiments had already been inflamed by the patriot press, and in November 20, 1772 the Boston Committee of Correspondence published a list of grievances, the tenth grievance dealing with the Dockyard Act and the Gaspée Affair at the very front of the list of grievances.¹⁶ The framework for an inter-colonial cause, united by Gaspée, had begun to form, all that was necessary was to extend inflammation towards Gaspée southward.

Somerset was presented to the readers of the *Virginia Gazette* in August of 1772, and is even recognizable in public discourse. Though no records exist of subscribers writing in, outraged at the implications of Somerset, a more subtle measure of the public's view can be seen. Following Somerset, the West Indian planters who had financed the defense of Mr. Stewart in the trial began to build what one might term the first colonial pro-slavery movement.¹⁷ One of the most important polemics of this developing pro-slavery position was a piece entitled "Considerations on the Negro Cause" which appeared in the *Virginia Gazette* in November of 1772. This points to a developing public discourse on slavery, but, Arthur Lee would take up his pen to shift public outrage at Somerset in a different direction, which would crystalize inter-colonial

¹⁶ Brown, *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns 1772-1774*, 50-51 74-76

¹⁷ Srividhya Swainathan, "Developing the West Indian Proslavery Position after the Somerset Decision,"

resistance.

The Gaspée affair had already contributed to the creation of committees in Massachusetts to which Virginia could connect herself. Gaspée seemed like a tailor made event to promote the colonial cause against Great Britain. Somerset had inflamed the passions of Virginians, now to craft a viable inter-colonial movement those passions just needed to be pulled in the right direction, towards Gaspée. In the January 28, 1773 issue of the *Virginia Gazette* Arthur Lee's polemic on the Gaspée Incident authored under his pen name, Junius Americanus, did just that.

To be, or not to be, that's the question; whether our unalienable rights and privileges are any longer worth contending for, is now to be determined. Permit me, my countrymen, to beseech you to attend to your alarming situation. The stamp act you opposed with a spirit and resolution becoming those who were truly solicitous to transmit to posterity those blessings which our forefathers purchased for us in the wilds of America, at an immense expense of blood and treasure. But behold, an evil infinitely worse, in its consequences, than all the revenue laws which have been passed from the reign of Charles the First, to this time, now threatens this distressed, piratically plundered country. A court of inquisition, more horrid than that of Spain or Portugal, is established within this colony, to inquire into the circumstances of destroying the Gaspée schooner; and the persons who are the commissioners of this new-fangled court, are vested with most exorbitant and unconstitutional power. They are directed to summon witnesses, apprehend persons not only impeached, but even suspected! and them, and every of them, to deliver them to Admiral Montagu, who is ordered to have a ship in readiness to carry them to England, where they are to be tried.¹⁸

The polemic is filled with blistering language, indicting the courts of inquiry into Gaspée as “worse than the Spanish Inquisition.” This piece would have certainly alarmed the Virginian public.

However it is the closing statement which would have sealed the matter, the author

¹⁸ *Virginia Gazette, Newport Rhode Island*, Williamsburg, Purdie and Dixon, January 28, 1773

contends that there is worse to come on the horizon, exhorting that

it is your indispensable duty to stand forth in the glorious cause of freedom, the dearest of all your earthly enjoyments; and, with a truly Roman spirit of liberty, either prevent the fastening of the infernal chains now forging for you, and your posterity, or nobly perish in the attempt. To live a life of rational beings, is to live free; to live a life of slaves is to die by inches. Ten thousand deaths by the halter, or the axe, are infinitely preferable to a miserable life of slavery in chains, under a yoke of worse than Egyptian tyrants, whose avarice nothing less than your whole substance and income, will satisfy; and who, if they can't extort that, will glory in making a sacrifice of you and your posterity, to gratify their master the devil, who is a tyrant, and the father of tyrants and of liars.¹⁹

Thus Lee offers the threat of enslavement by Great Britain if action is not taken. This would have eaten at slaveholders, threatening an owner of slaves with the condition of slavery would evoke a great emotional reaction. Slaves belonged, naturally at the bottom of social hierarchy, and slave-owners could not be slaves, it was a violation of the “natural” order of things. This is clearly language targeted at the already enraged slaveholders in Virginia. Thus through this polemic and later maneuverings by Richard Henry Lee, the Virginian’s outrage at Somerset was effectively grafted onto inter-colonial outrage at the Gaspée Affair.

This plan to push Virginians on Gaspée was put into further action through Arthur’s brother Richard Henry’s decision write to Samuel Adams. Surely Richard Henry would have recognized his brother’s iconic name attached to the piece about Gaspée in the *Virginia Gazette*, and through this “raising of the alarm” and likely through direct encouragement by Arthur, Richard Henry Lee chose to write to Samuel Adams.²⁰ The letter that follows is perhaps the lynchpin in this correspondence as it establishes Richard

¹⁹ *Virginia Gazette, Newport Rhode Island*, Williamsburg, Purdie and Dixon, January 28, 1773

²⁰ Though no correspondence depicts Arthur’s direct plea that Richard Henry write to Mr. Adams, Richard Henry does furnish Arthur’s name as a way of introduction.

Henry Lee's involvement with Samuel Adams because of the influence of his Brother and the beginnings of inter-colonial correspondence. Richard Henry wrote to Samuel Adams on February 4, 1773, stating:

From a person quite unknown to you, some apology may be necessary for this letter. The name of my brother, Dr. Arthur Lee, of London, may perhaps, furnish me with this apology. To be firmly attached to the cause of liberty on virtuous principles, is a powerful cause of union, and renders proper, the most easy communication of sentiment, however artfully disunion may be promoted and encouraged by tyrants, and their abettors. If this be true in general, how more certainly is it so, in that particular state of affairs, in which every scheme that cunning can form, or power execute, is practised to reduce to slavery, so considerable a portion of the human species, as North America does, and may contain. Every days experience proves this, to an attentive observer. Among other instances in proof, if I mistake not, the manner of resenting the loss of the Gaspie, is one. At this distance, and through the uncertain medium of newspapers, we may never, perhaps, have received a just account of this affair. I should be extremely glad, sir, when your leisure permits, to have as true a state of the matter, as the public with you, has been furnished with. At all events, this military parade appears extraordinary, unless the intention be, to violate all law and legal forms, in order to establish the ministerial favourite, but fatal precedent, of removing Americans beyond the water, to be tried for supposed offences committed here. This is so unreasonable, and so unconstitutional a stretch of power, that I hope it will never be permitted to take place, while a spark of virtue, or one manly sentiment remains in America. The primary end of government seems to be, the security of life and property; but this ministerial law, would, if acquiesced in, totally defeat every idea of social security and happiness. You may easily, sir, perceive, that I understand myself, writing to a firm and worthy friend of the just rights and liberty of America, by the freedom with which this letter is penned. Captain Snow, of your town, who comes frequently here, and who takes care of this, will bring me any letter you may be pleased to favour me with.²¹

This letter illustrates several key points to this study. Firstly it establishes that Virginia's reaching out to Samuel Adams and his group of patriot revolutionaries in Massachusetts was predicated upon Adam's relationship with Arthur Lee. Arthur Lee took the active role in prompting his brother to reach out to Massachusetts,

²¹ James Curtis Ballagh, *The Letters of Richard Henry Lee Volume I 1762-1778*, 82

which was followed up with the establishment of an entity which would do the same thing on a larger scale involving all thirteen colonies. Second this letter establishes that Virginians could not have been outraged at Gaspée quite yet. Richard Henry Lee one of the most politically connected Virginians serving in the House of Burgesses still was confused about the true implications of Gaspée. In fact he is writing Samuel Adams requesting more information. Thus the committee was connected to Gaspée but not fully caused by Gaspée, its first order of business was to investigate Gaspée because the implications of Gaspée were not fully known.

Samuel Adams' reply to Richard Henry Lee, sent April 10, 1773, corroborates the view that it was a conscious effort on the part of Arthur Lee, and Samuel Adams to a lesser extent to unite the colonies in their resistance.

Your letter to me of the fourth of February last, I received with singular pleasure, not only because I had long wished for a correspondence with some gentleman in Virginia, but more particularly, because I had frequently heard of your character and merit, as a warm advocate of virtue and liberty. I had often thought it a misfortune, rather than a fault in the friends of American independence and freedom, not taking care to open every channel of communication. The colonies are all embarked on the same bottom.²²

Within this reply Adams mentions that he had long desired a correspondence with a Gentleman from Virginia. This shows that this development, the extension of Massachusetts rebellion into Virginia, had been a goal of Adams, even if it was just a distant thought he, had considered the possibility prior to Lee's letter. Arthur Lee had brought his dear friend Samuel Adams' great desire to fruition, as the best

²² Richard Henry Lee (1794-1865), *Life of Richard Henry Lee*, (William Brown: Philadelphia, PA, 1825) 87-89

equipped individual involved in the high circles of Massachusetts politics to reach into Virginia and produce a “gentleman” with which Adams could correspond. Lee had acted out this wish by furnishing his brother, a man involved in the highest rungs of Virginia politics for the task. This connection was ultimately what led to the introduction of the Burgesses resolution on March 12th 1773 and the creation of inter-colonial resistance. Indeed it was Richard Henry Lee, shaped by his experiences on the 1772 committee for the prohibition of duties on slaves, and privy to the political developments in Massachusetts and London through the letters he received from his brother Arthur, who was authored of the Virginia Resolution of 1773.²³

Perturbed by the implications caused by a combined assault of Gaspée and Somerset injected into an “uneasy southern kingdom” the idea of a split from Great Britain began to gain traction. Coupled with the precarious situation in New England of a regional rebellion easily put down by the full force of the British Empire, Arthur Lee entered into the fold, utilizing his political connections to both Massachusetts and Virginia Lee crafted a solution which would solve the issue presented by Gaspée and Somerset, and ultimately bring relief to Virginia. Lee connected the causes of the Virginia gentry, to those of Samuel Adams’ patriots, thus creating a unified colonial resistance which would have a chance at success.

This correspondence illustrates a real possibility of Somerset’s impact in America, though based on more circumstantial evidence than is ideal, it unveils a believable

²³ Charles Campbell, *History of the Colony and Ancient Dominion of Virginia*, (Ann Arbor, Michigan: University of Michigan Library, 2005), 570.

communication system between three gentlemen ardently committed to the patriot cause. It tells the story of how one colony's evolving insurgency at home was projected south and eventually became the struggle for a new nation. At the center of this story is Arthur Lee, a man who has been comparatively lost to history. His importance to the unification of the continental cause is nowhere to be found. His brother Richard Henry Lee is remembered as the "author of the call for inter-colonial committees of correspondence" and had both the distinctions of introducing the resolution to create an independent nation and of serving as president of the continental congress from 1784-1785.²⁴ His friend, Samuel Adams is recalled by historians for his integral role in fermenting the revolution in Boston.²⁵ Yet Arthur Lee, perhaps the individual most integral to this correspondence system is largely forgotten, as is in truth the import of this correspondence system as a whole.²⁶

²⁴ McGaughy, *Richard Henry Lee of Virginia*, 57, 170-183

²⁵ Maier, *The Old Revolutionaries*, 5-16

²⁶ It should be noted that Louis W. Potts, *Arthur Lee: A Virtuous Revolutionary*, (Baton Rouge, LA: Louisiana State University Press, 1981) stands as the only serious academic biography of Arthur Lee, yet Potts fails to note the ultimate import of Lee's efforts in creating inter-colonial revolution, the parts are all there, he discusses Lee's time in England and the political circles with which he was associated, he even has a broad survey of his correspondence, but ultimately Lee's usefulness as an American agent in Britain informing Samuel Adams and Richard Henry Lee on the political comings and goings there is not emphasized. Nor is Lee's importance in pushing the idea of inter-colonial resistance and in providing a bridge between the gentlemen of Virginia and the revolution which was already brewing in New England.

Conclusion: Revolutionary Ripples

This complex argument for Virginia's March 1773 resolution presents a much clearer picture of the set of conditions which led to its adoption. Often actions by legislative bodies are not predicated upon one event, and this holds true in this case. The dynamic threats Virginians were facing to their economic livelihood included threats against their rights to hold property in slaves and to their ability to legislate the dimensions of slavery in their own terms. These threats struck at the core of Virginian's mounting anxieties concerning their debts under the British mercantile system and ultimately exploded in March of 1773 in their resolution calling for the creation of provincial committees to create an "inter-colonial cause."

Additionally, Somerset had quite the staying power as a threat to southern slave societies, enjoying something of a second life in the American struggle to remove slavery at a national level. Somerset became precedent under British common law, which was adopted into the American legal system, thus Somerset provided grounds for thinking of slavery as a purely sectional phenomenon. Under a "Neo-Somerset" doctrine emerging in the 1830s, freedom was "national" and it was slavery which was merely supported by local statute.¹ In this way Somerset remained a thorn in the side of the slave societies of the south, emerging in 1862 as precedent upon which the north could establish a legal framework to abolish slavery.

Ultimately, slavery and the American Revolution were directly tethered in the

¹ James Oakes, *Freedom National The Destruction of Slavery in the United States, 1861-1865* (New York, NY: W.W. Norton, 2012) preface, particularly the opening lines on ix and the first chapter entitled "Ultimate Extention" 1-48.

minds of Virginians. In October of 1784 and 1785 a number of Virginians wrote petitions to the state legislature stating clearly that they fought the Revolution to protect slavery.² One petition states “when the British Parliament usurp’d a right to Dispose of our Property, it was not the Matter but the Manner adopted for that purpose, that alarm’d us,” showing that British threats to property were a major cause for the Revolution. The later goes on to state, “Petitions warmly advocated by some Men of considerable weight to wrestle from us... the most valuable and indispensable Article of our Property, our Slaves.” These pro-slavery petitioners were seeking to protect their rights to property which they won in the Revolution, and that those British threats to property were interpreted directly as threats to their ability to hold slaves.

This illustrates the valuable point that often one established but unexamined explanation does not prove out to be correct. Though the sanctioned ideals of the American Revolution may have been liberty, freedom and equality for all, it becomes much more complicated when revolutionary motivations are examined at a regional level. Certainly patriots in the south were committed to the continental cause, but their internal motivations for doing so varied greatly. By necessity these individuals, living within a slave society were concerned with the future of slavery, and the resolution of the American Revolution unveils these concerns.

The revolutionary settlement shows that slavery was tied up in the American Revolution. The original framer’s constitution contained systemic federal protections for

² Fredrikia Teute Schmidt and Barbara Ripel Wilhelm, “Early Proslavery Petitions in Virginia,” *The William and Mary Quarterly*, Vol. 30 (Jan, 1973), 133-146.

slavery.³ So Virginians who fought the revolution to accrue slaves, and the gentry who initiated the fight in hopes of obtaining a greater control the dimensions of slavery, were both able to secure their goals. The Virginia House of Burgesses made the conscious decision to incite inter-colonial conflict based upon prolonged agitation by Great Britain concerning the dimensions of slavery and westward expansion. The Privy Council's denial of Virginia's 1772 proposal to end the international slave trade in Virginia signaled the breakdown in productive communication between the House of Burgesses and Great Britain.

Following this breakdown in communication, the effects of "Mansfieldian Consolidation" began to further deteriorate the gentry's opinion of Great Britain. Gaspée threatened to remove their rights as Englishmen, and the Somerset decision threatened their livelihood as slaveholders. The Resolution of March 1773 was Virginia's response to this breakdown in communication and the first step in the reassertion of their rights as free men, and as slaveholders. Great Britain had proven not only that they would do nothing to aid the gentry in correcting their economic situation but also that they intended to threaten the institution of slavery. Virginia responded to this harsh reality by joining a movement to create an alternate polity through which their slaveholding dominion would be secure.

³ David Waldstreicher, *Slavery's Constitution From Revolution to Ratification*, (New York, NY: Hill and Wang, 2009) 3-10.

Bibliography

Primary Sources Consulted

- Gaspare, J, and John P. Kaminski, eds. *The Documentary History of the Ratification of the Constitution*. Vol. 10. Madison, WI: Wisconsin Historical Society Press, 1993.
- Kennedy, John P. *Journals of the House of Burgesses of Virginia 1773-1776*. Richmond Virginia: E. Waddey Company, 1905.
- Lee, R.H., and J.C. Ballagh. *Letters of Richard Henry Lee*. New York, NY: Macmillan, 1911
- Lee, R.H., and A. Lee. *Life of Arthur Lee, LL. D.* Life of Arthur Lee, LL. D.: Joint Commissioner of the United States to the Court of France, and Sole Commissioner to the Courts of Spain and Prussia, During the Revolutionary War. With His Political and Literary Correspondence and His Papers on Diplomatic and Political Subjects, and the Affairs of the United States During the Same Period v. 1. Wells and Lilly, 1829.
- Lee, Richard Henry. *Life of Richard Henry Lee*. Philadelphia, PA: William Brown, 1825.
- Madison, James. *The Papers of James Madison: 24 March, 1794- 20 April, 1795*. Charlottesville, VA: University Press of Virginia, 1985.
- Schmidt, Fredrika Teute, and Barbara Ripel Wilhelm. "Early Proslavery Petitions in Virginia." *The William and Mary Quarterly* 30, no. 1. Third Series (January 1, 1973): 133–46. doi:10.2307/1923706.
- Temperly, H. W. V. "Debates on the Declaratory Act and the Repeal of the Stamp Act, 1766." *The American Historical Review* 17 (n.d.).
- Thirteenth Parliament of Great Britain. "Fifth Session, 16 April 1772," January 21, 1772.
- Twelfth Parliament of Great Britain. "Fifth Session, 18 March 1766," December 17, 1765.
- Wells, W.V. *The Life and Public Services of Samuel Adams: Being a Narrative of His Acts and Opinions, and of His Agency in Producing and Forwarding the American Revolution. With Extracts from His Correspondence, State Papers, and Political Essays*. American Revolution v. 1. Little, Brown, 1865.
- Virginia Gazette 1772-1773*, accessed through University Databases at <http://infoweb.newsbank.com>

Secondary Sources Consulted

- Bailyn, Bernard. *The Ideological Origins of the American Revolution*. Cambridge, MA: The Belknap Press, 1967.
- Berlin, Ira, and Ronald Hoffman. *Slavery and Freedom in the Age of the American Revolution*. Charlottesville, VA: University Press of Virginia, 1983.
- Billings, Warren M. *Colonial Virginia*. White Plains, NY: KTO Press, 1986.
- Blumrosen, Alfred W., and Ruth G. Blumrosen. *Slave Nation: How Slavery United the Colonies & Sparked the American Revolution*. Naperville, IL: Sourcebooks Inc., 2005.
- Bonwick, Colin. *The American Revolution*. Charlottesville, VA: University Press of Virginia, 1991.
- Bradley, Patricia. "Slavery in Colonial Newspapers: The Somerset Case." *Journalism History* 12, no. 1 (Spring 1985): 2–7.
- Breen, T.H. *American Insurgents, American Patriots*. New York: Hill and Wang, 2010.
- Brown, Christopher Leslie. *Moral Capital: Foundations of British Abolitionism*. Chapel Hill, NC: University of North Carolina Press, 2006.
- Brown, Richard D. *Revolutionary Politics in Massachusetts: The Boston Committee of Correspondence and the Towns 1772-1774*. Cambridge, MA: Harvard University Press, 1970.
- Bushman, Richard L, Jack P. Greene, and Michael Kammen. *Society, Freedom and Conscience: The American Revolution in Virginia, Massachusetts and New York*. New York: W.W. Norton & Company inc., 1976.
- Canfield, Cass. *Samuel Adams's Revolution, 1765-1776: With the Assistance of George Washington, Thomas Jefferson, Benjamin Franklin, John Adams, George III, and the People of Boston*. 1st ed. New York: Harper & Row, 1976.
- Cleve, George van. "Mansfield's Decision: Toward Human Freedom." *Law and History Review* 24, no. 3 (March 1, 2006): 665–71. doi:10.2307/27641407.
- . "'Somerset's Case' and Its Antecedents in Imperial Perspective." *Law and History Review* 24, no. 3 (March 1, 2006): 601–45. doi:10.2307/27641404.
- Egerton, Douglas R. *Death or Liberty: African Americans and Revolutionary America*. New York: Oxford University Press, 2009.

- Ellis, Joseph J. *Founding Brothers: The Revolutionary Generation*. New York: Vintage Books, 2000.
- Fifoot, C. H. S. *Lord Mansfield*. London, U.K.: Oxford University Press, 1936.
- Frey, Sylvia R. *Water from the Rock: Black Resistance in a Revolutionary Age*. Princeton, NJ: Princeton University Press, 1991.
- Garnett, James Mercer. "The Last Fifteen Years of the House of Burgesses of Virginia, 1761-1776." *The Virginia Magazine of History and Biography* 18, no. 2 (1910): 213–23.
- Gilje, Paul A. *The Making of the American Republic 1763-1815*. Upper Saddle River, NJ: Pearson Prentice Hall, 2006.
- Holton, Woody. *Forced Founders: Indians, Debtors, Slaves & the Making of the American Revolution in Virginia*. Chapel Hill, NC: University of North Carolina Press, 1999.
- . "Rebel Against Rebel: Enslaved Virginians and the Coming of the American Revolution." *The Virginia Magazine of History and Biography* 105, no. 2 (Spring 1997): 157–92.
- Hulsebosch, Daniel J. "Nothing but Liberty: 'Somerset's Case' and the British Empire." *Law and History Review* 24, no. 3 (March 1, 2006): 647–57. doi:10.2307/27641405.
- Isaac, Rhys. *Landon Carter's Uneasy Kingdom: Revolution & Rebellion on a Virginia Plantation*. New York: Oxford University Press, 2004.
- . *Transformation of Virginia 1740-1790*. Chapel Hill, NC: University of North Carolina Press, 1982.
- Leslie, William R. "The Gaspee Affair: A Study of Its Constitutional Significance." *The Mississippi Valley Historical Review* 39, no. 2 (1952): 233–56.
- Maier, Pauline. *From Resistance to Revolution: Colonial Radicals and the Development of American Opposition to Britain, 1765-1776*. New York: Alfred A. Knopf, 1972.
- . *The Old Revolutionaries: Political Lives in the Age of Samuel Adams*. New York: Alfred A. Knopf, 1980.
- Menard, Russell R. "Plantation Empire: How Sugar and Tobacco Planters Built Their Industries and Raised an Empire." *Agricultural History* 81, no. 3 (July 1, 2007): 309–32. doi:10.2307/20454724.

- Miller, E. I. "The Virginia Committee of Correspondence 1759-1770." *The Mississippi Valley Historical Review* 22, no. 1 (July 1913): 1–19.
- . "The Virginia Committee of Correspondence of 1773-1775." *The William and Mary Quarterly* 22, no. 2 (1913): 99–113.
- Morgan, Edmund S. *The Birth of the Republic 1763-89*. Chicago, IL: University of Chicago Press, 1977.
- Morgan, Edmund S. *American Slavery, American Freedom: The Ordeal of Colonial Virginia*. 1st ed. New York: Norton, 1975.
- Morton, Joseph C. *The American Revolution*. Westport, CT: Greenwood Press, 2003.
- Nadelhaft, Jerome. "The Somerset Case and Slavery: Myth, Reality, and Repercussions." *The Journal of Negro History* 51, no. 3 (July 1966): 193–208.
- Norton, Mary Beth. "John Randolph's 'Plan of Accommodations'." *The William and Mary Quarterly: A Magazine of Early American History*, 1971, 103–20.
- . "The Fate of Some Black Loyalists of the American Revolution." *The Journal of Negro History* 58, no. 4 (October 1973): 402–26.
- Oakes, James. *Freedom National: The Destruction of Slavery in the United States, 1861-1865*. 1st ed. New York: W. W. Norton & Co, 2013.
- Paley, Ruth. "Imperial Politics and English Law: The Many Contexts of 'Somerset'." *Law and History Review* 24, no. 3 (March 1, 2006): 659–64.
doi:10.2307/27641406.
- Parker, Alton B. "The Foundations in Virginia." *The William and Mary Quarterly* 1, no. 1 (1921): 1–15.
- Phillips, Kevin. *1775 A Good Year for Revolution*. New York: Penguin Group, 2012.
- Poser, N.S. *Lord Mansfield: Justice in the Age of Reason*. MQUP, 2013.
- Raphael, Ray. *A Peoples History of the American Revolution*. New York: The New Press, 1967.
- Risjord, Norman K. *Jefferson's America*. Plymouth, U.K.: Rowman & Littlefield Publishers, 2010.
- Rutyna, Richard A., and Peter C. Stewart. *Virginia in the American Revolution: A Collection of Essays*. Norfolk, VA: Old Dominion University, 1983.

- Sawers, Larry. "The Navigation Acts Revisited." *The Economic History Review* 45, no. 2. New Series (May 1, 1992): 262–84. doi:10.2307/2597623.
- Selby, John E. *Chronology of Virginia*. Charlottesville, VA: University Press of Virginia, 1973.
- Smith, Barbara Clark. *The Freedoms We Lost*. New York: The New Press, 2010.
- Swaminathan, Srividhya. "Developing the West Indian Proslavery Position after the Somerset Decision." *Slavery & Abolition: A Journal of Slave and Post-Slave Studies* 24, no. 3 (2003): 40–60.
- Tarter, Brent, and Robert L. Scribner. *Revolutionary Virginia: The Road to Independence*. Charlottesville, VA: University Press of Virginia, 1983.
- Tate, Thad W. "The Coming of the Revolution in Virginia Britatin's Challenge to Virginia's Ruling Class 1763-1776.pdf." *The William and Mary Quarterly* 19, no. 3 (July 1962): 323–43.
- Temperly, H. W. V. "Debates on the Declaratory Act and the Repeal of the Stamp Act, 1766." *The American Historical Review* 17 (n.d.).
- Tise, Larry E. *Proslavery: A History of the Defense of Slavery in America 1701-1840*. Athens, GA: University of Georgia Press, 1987.
- unknown. "Leadership of Virginia in the War of the Revolution Part III.pdf." *The William and Mary Quarterly* 19, no. 4 (April 1911): 219–62.
- Van Cleve, G.W. *A Slaveholders' Union: Slavery, Politics, and the Constitution in the Early American Republic*. University of Chicago Press, 2010.
- Waldstreicher, D. *Slavery's Constitution: From Revolution to Ratification*. New York: Hill and Wang, 2010.
- Wells, W.V. *The Life and Public Services of Samuel Adams: Being a Narrative of His Acts and Opinions, and of His Agency in Producing and Forwarding the American Revolution. With Extracts from His Correspondence, State Papers, and Political Essays*. American Revolution v. 1. Little, Brown,, 1865.
- Wiecek, William M. *The Sources of Antislavery Constitutionalism in America 1760-1848*. Ithaca, NY: Cornell University Press, 1977.
- Wise, Steven M. *Though the Heavens May Fall: The Landmark Trial That Led to the End of Human Slavery*. Cambridge, MA: Da Capo Press, 2005.
- Wood, Gordon S. *The American Revolution*. New York: Random House, 2002.

———. *The Radicalism of the American Revolution*. New York: Alfred A. Knopf, 1991.